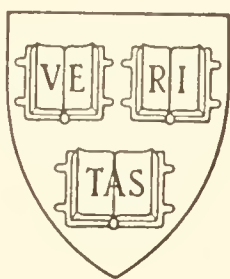


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VIOLATIONS OF STATE DEPARTMENT REGULATIONS
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IN THE UNITED STATES

PART 2

HEARINGS
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH CONGRESS
FIRST SESSION

JULY 1 AND 2 AND AUGUST 5, 1963
INCLUDING INDEX

Printed for the use of the
Committee on Un-American Activities

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WASHINGTON : 1963

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946]; 60 Stat. 812, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q)(1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

RULE XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 88TH CONGRESS

House Resolution 5, January 9, 1963

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

* * * * *

(r) Committee on Un-American Activities, to consist of nine Members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

18. Committee on Un-American Activities.

(a) Un-American activities.

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The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

27. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

SYNOPSIS

A subcommittee of the Committee on Un-American Activities convened in Los Angeles, California, on July 1, 1963, for 2 days of public hearings relating to (1) unlawful travel to Cuba by U.S. citizens and (2) the dissemination of pro-Castro propaganda by some of these persons after their return to this country. These hearings were a continuation of a series of public inquiries on these subjects begun by the subcommittee in Washington, D.C., on May 6, 1963.

The purpose of the hearings was to gather information that would aid Congress in determining whether there is a need for legislative action to strengthen the travel control and foreign agent registration provisions of existing legislation.

The first scheduled witness on July 1 was Mrs. Helen Travis. Before she was sworn in, however, her attorney moved that the subpoena served upon her by the committee on June 19 be withdrawn because on June 26, 1963, Mrs. Travis had been indicted by the U.S. District Court in Southern California on two counts of making trips to Cuba by way of Mexico without a proper passport, in violation of regulations issued under the immigration laws (sec. 1185(b), Title 8, U.S. Code).

The subcommittee acted favorably on the motion, and Mrs. Travis was excused as a witness.

The first sworn witness before the subcommittee on July 1 was Mrs. Rose Schorr Rosenberg, an attorney with offices in Los Angeles. On January 24, 1952, former Communist Party member, A. Marburg Yerkes, in testimony before this committee, stated that Mrs. Rosenberg had been known by him in the late forties to be a member of the professional unit of the Communist Party in Los Angeles. Mrs. Rosenberg cited the fifth amendment, among other reasons, in refusing to tell the subcommittee if Mr. Yerkes' testimony about her had been correct.

According to the committee's preliminary investigation, Mrs. Rosenberg, on January 28, 1960, applied for and obtained renewal of a U.S. passport which had been issued her many years earlier. In her application for renewal, she listed Denmark, Sweden, England, France, Italy, and Israel as countries she planned to visit over a period of approximately 2 years.

Mrs. Rosenberg refused on numerous grounds, including the fifth amendment, to say whether the renewed passport was still in her possession.

She refused on the same grounds to confirm or deny the committee's information that in April and May of 1962, in the company of another Los Angeles attorney, Jean Kidwell Pestana, she had visited Cuba without first obtaining special passport validation to do so, as had been required by the State Department since January 16, 1961. Mrs. Rosenberg likewise declined to confirm or deny that,

as advertised in the *People's World* of June 2, 1962, and the *National Guardian* of June 4, 1962, she and Mrs. Pestana had shown slides and talked about their trip to Cuba at a meeting sponsored by the Los Angeles Committee for Medical Aid to Cuba on June 6, 1962. Mrs. Rosenberg declined to tell the subcommittee what disposition had been made of the reported \$1 "donated" by each of the estimated 200 persons who attended the event.

Mrs. Rosenberg also invoked the fifth amendment and other reasons for refusing to say whether she had understood the Medical Aid to Cuba Committee to be a Communist-created and -controlled enterprise; whether she was a member of the Greater Los Angeles Chapter of the Fair Play for Cuba Committee; whether she held membership in the Women Strike for Peace and the National Lawyers Guild; whether she had been a member of the Communist Party and had, upon return to the U.S. from Cuba in 1962, engaged in pro-Cuban speaking activities while under the discipline of the Communist Party.

The next witness was Robert Eugene Randolph, holder of a master's degree in economics from the University of California and a resident of Sacramento, Calif.

Mr. Randolph cited the fifth amendment and other reasons in declining to confirm or deny the committee's information that in the forties he had belonged to the American Youth for Democracy, successor organization to the Young Communist League, and in the fifties to the Labor Youth League, officially cited by Federal authorities as a Communist organization.

Mr. Randolph declined for the reasons cited above to answer nearly all questions put to him by the subcommittee.

Thus, he neither confirmed nor denied the committee's information that on January 6, 1961, he applied for and received a U.S. passport; that, in his application for the passport, he had informed the State Department he intended to take a pleasure trip to England, France, and Sweden; that he attended the Mexican Peace Conference in Mexico City from March 5 to March 8, 1961; that, without having obtained State Department validation of his passport for travel to Cuba, he and his wife, Valeda Bryant Randolph, departed from Mexico on March 13, 1961, for a visit to Cuba as guests of the Communist Cuban Government.

The witness continued to refuse, citing the reasons previously stated, to reply affirmatively or negatively when queried by the subcommittee's counsel about his activities after his return from Cuba in 1961. According to information uncovered by a preliminary investigation, Mr. Randolph delivered an "eyewitness" report on Cuba and Latin America at a meeting held in Oakland, Calif., on May 19, 1961, and told his audience that he had been in Cuba from March 13 until April 3 of that year. The chairman of the May 19 meeting was Paul Heide, identified as a member of the Communist Party in testimony given before this committee in 1953. Mr. Randolph also declined to tell the subcommittee whether he knew Mr. Heide to be a Communist Party member.

Mr. Randolph declined to state whether he and his wife had appeared at the Palo Alto Unitarian Church on May 28, 1961, and given a color-slide talk on Cuba, as announced in the *Palo Alto Times* of May 24, 1961; whether the Fair Play for Cuba Committee had made arrangements for this meeting and whether he belonged to

the Bay Area Fair Play for Cuba Committee; whether, under his own by-line, he had written a pro-Castro article which appeared in the June 1961 issue of *The liberal democrat* magazine; whether he had received any compensation, directly or indirectly, from the Cuban Government with the understanding he would participate in activities supporting the Communist regime of Cuba; whether he had registered with the Attorney General under the Foreign Agents Registration Act; whether, in the summer of 1962, he had attended both the Communist-staged World Peace Congress in Moscow and the Communist-sponsored Eighth World Conference Against Atomic and Hydrogen Bombs and for Prevention of Nuclear War in Tokyo, Japan; and whether he had told the Conference in Japan that he was opposed to the stationing of U.S. troops in any foreign country.

The next witness on July 1 was Mr. Randolph's wife, Valeda Bryant Randolph.

Mrs. Randolph was asked questions similar to those put to her husband, and she proved to be equally uncooperative in her responses. She invoked the fifth amendment and other reasons for refusing to confirm or deny that she had been issued U.S. passport No. B-094577 on January 9, 1961, and, without passport validation for such travel, had gone to Cuba on March 13, 1961, as a guest of the Cuban Government. Mrs. Randolph declined to say if there had been any agreement between her and representatives of the Cuban Government to the effect that, in exchange for her privileged treatment in Cuba, she would return to the United States and engage in activities to influence the American public on matters of interest to the Communist regime in Cuba.

The witness refused, on the previously specified grounds, to say if, upon her return to the U.S., she had delivered a series of talks on Cuba, including five in California within a 48-hour period in May 1961.

Mrs. Randolph also invoked the fifth amendment and other reasons for declining to respond when asked if she had received compensation from the Fair Play for Cuba Committee or any political party, group, or person associated with any foreign interest. She also declined to say whether she belonged to the Fair Play for Cuba Committee; whether she had been a member of the Communist Party on October 7, 1950, when she entertained at a rally for the California Labor School, a Federally-cited Communist institution; and whether she was then, at the time of the hearing, a member of the Communist Party.

George Waegell of Elk Grove, Calif., was also questioned by the subcommittee at its public session in Los Angeles on the morning of July 1, 1963. In 1951, Mr. Waegell was convicted and sentenced to prison for failure to comply with Selective Service regulations.

Mr. Waegell invoked a number of reasons, including the fifth amendment, for refusing to respond to questions pertaining to committee information that, without possession of a U.S. passport, he had entered Mexico in early March 1961; had applied at the Cuban consulate in Mexico for a visa to Cuba, which was issued after a 3-week delay; had entered Cuba, where he was jailed for a short period and then released; and had attended, as a U.S. delegate, a conference of the Communist-controlled International Union of

Students (IUS) at Havana in late May and early June 1961. He also declined to tell the subcommittee whether he was present at those sessions of the conference when delegates, according to a dispatch by the Soviet news agency Tass, unanimously passed a resolution of support for a proposal to set up an international students brigade to fight any "aggression" against Cuba and when, according to Peking radio, they passed a resolution condemning U.S. "imperialism against Cuba." He further declined to say whether he would be willing to fight for Cuba.

The witness continued to invoke the fifth amendment, among other reasons, when asked if he had returned to the U.S. from Cuba in July 1961 and displayed colored slides and talked on the subject of Cuba early in 1962 in California at an affair sponsored by a student Fair Play for Cuba group.

Joseph Abram Shapiro of Fairfax, Calif., a University of California student, also appeared before the subcommittee on July 1.

According to the committee's investigation, Mr. Shapiro applied for a U.S. passport at San Francisco on March 28, 1961, for the alleged purpose of taking a 2-month trip to Mexico, Nicaragua, Panama, and other Latin and Central American countries, beginning about July 1, 1961. Passport No. B-065057, bearing no endorsement for travel to Cuba, was issued to Mr. Shapiro on March 29, 1961. On September 1, 1961, Mr. Shapiro flew from Mexico City to Cuba on Cubana Airlines flight No. 465. He invoked the first and fifth amendments in refusing to confirm or deny the above information when it was presented by the subcommittee counsel.

Mr. Shapiro also invoked the first and fifth amendments when asked if he had intended to visit Cuba at the time he applied for his passport and if, at the time of application, he had known that specific passport endorsement for travel to Cuba was required.

He also declined to confirm or deny committee information that he had attended the Communist-dominated Eighth World Youth Festival at Helsinki, Finland, in the summer of 1962.

The next witness was Jon Joseph Read, a graduate of the University of California. He had been subpoenaed after the committee's investigation disclosed the following:

Jon Read was issued U.S. passport No. 681992 at San Francisco on December 12, 1957, for an alleged 1-year visit to Australia. This passport had not been renewed or endorsed specifically for travel to Cuba when, on May 14, 1962, Mr. Read departed from Mexico City on Cubana Airlines flight 465 to Havana. He returned to Mexico City from Cuba via Cubana Airlines flight 464 on June 18, 1962.

On August 22, 1962, Mr. Read applied for another U.S. passport, declaring an intention of touring Western Europe. On August 23, 1962, he was issued passport No. C-607458, which was not endorsed for travel to Cuba.

The Worker of September 11, 1962, announced that on September 17, 1962, Jon Read, "just back from Havana," would speak at Adelphi Hall in New York City.

On April 15, 1963, Mr. Read was elected to the executive board of the Bay Area Fair Play for Cuba Committee. And, according to a flier distributed by the Militant Labor Forum of Oakland, Calif., an organization affiliated with the Trotskyist Socialist Workers Party, Read delivered a "Cuba-Eyewitness Report," including the showing

of color slides, on "his visit—summer 1962" at a meeting sponsored by the Forum on April 19, 1963.

Mr. Read invoked the first and fifth amendments in refusing to answer any subcommittee questions concerning the activities described in the preceding four paragraphs.

Citing the same reasons, Read declined to answer when asked if he had actually intended to go to Cuba at the time he applied for a passport on August 22, 1962; if the "just back from Havana" reference to him in *The Worker* of September 11, 1962, had referred to his visit there in May and June 1962, or whether it referred to another trip to Cuba subsequent to his receipt of a new passport on August 23, 1962; if arrangements for his speech at Adelphi Hall had been made by anyone known or believed by him to be a Communist Party member or by representatives of the Fair Play for Cuba Committee; and if the expenses for his May–June 1962 visit to Cuba had been assumed by persons other than himself.

After Mr. Read completed his testimony, the subcommittee called Mrs. Irene Paull to testify. She informed the chairman that she had had to change counsel and had not had an opportunity to discuss her case with the new one. She requested that her appearance be postponed until the second day of the hearings. The chairman granted her request.

The next witness was Karl Vladimer Weichinger of Los Angeles. Mr. Weichinger, a preliminary investigation revealed, attended the University of Chicago for a 3-year period ending in January 1952. While there, he had been a member of the Communist Party. Later he became active in the Los Angeles area chapter of the previously mentioned Labor Youth League, until that organization folded in 1957. The witness cited the first and fifth amendments in refusing to answer questions by the subcommittee about the above information.

Mr. Weichinger also declined to confirm or deny the committee's information that, without a passport specifically endorsed for such travel, he had gone to Cuba with his wife in December 1961 and returned to the U.S. on January 22, 1962. He further declined to say if, at the time of his testimony before the subcommittee, he was a member of the Communist Party.

The last witness questioned by the subcommittee on July 1 was Mrs. Jovita Lopez Weichinger, wife of the preceding witness. She likewise invoked the first and fifth amendments rather than confirm or deny that, without a passport validated for travel to Cuba, she had in fact traveled to Cuba in December 1961. She also declined to say whether, at the time of her trip to Cuba, she was aware that such a trip, without specific passport validation for it, was contrary to the laws of the United States.

Mrs. Jean Kidwell Pestana and Frank S. Pestana, respectively, were the first witnesses called when the subcommittee met at 9:30 a.m. on July 2, but failed to respond to their names.

Mrs. Irene Paull of San Francisco, a longtime writer for Communist publications, was called next by the subcommittee. According to information possessed by the committee, Mrs. Paull had been the organizer of the Young Communist League in Minnesota in the late thirties and chairman of the Communist Party in Duluth, Minn., in the forties.

Preliminary committee investigation also revealed that on October 27, 1960, Mrs. Paull applied for renewal of U.S. passport No. 1728249, which had been issued to her by the State Department in 1959. In the renewal application, she said she intended to travel to Italy, Egypt, Israel, France, and England, beginning the trip on approximately December 1, 1960.

On January 8, 1961, Mrs. Paull departed from New York City on a British Overseas Airways flight to Jamaica. She entered Cuba on January 18, 1961, and remained there until March 6 of that year.

Pro-Communist articles on Cuba appeared under Mrs. Paull's name in the Communist *People's World* of January 28 and February 25, 1961.

On April 23, 1961, according to an announcement which appeared in the *People's World* of the day before, she was one of three speakers "recently returned from Cuba" who addressed a meeting sponsored by the Unitarian Action for Social Justice in San Francisco. Also, the name "Irene Paull" appeared in the *Palo Alto Times* of April 25, 1961, as a signer of a Student Ad Hoc Committee Against U.S. Intervention in Cuba and Palo Alto Fair Play for Cuba Committee petition to President Kennedy protesting U.S. policies toward Cuba.

Mrs. Paull cited the fifth amendment and numerous other reasons for refusing to affirm or deny the above facts as they were presented to her by the subcommittee's counsel.

She also declined to tell the subcommittee whether, prior to her entry into Cuba, she had known the United States had broken diplomatic relations with Cuba on January 3, 1961, and the State Department had adopted a regulation on January 16, 1961, requiring specific passport endorsement for travel by Americans to that country. She declined to affirm or deny that, as reported in the *People's World* of September 29, 1962, she had attended the World Conference Against Atomic and Hydrogen Bombs held in Tokyo, Japan, in August 1962.

Mrs. Paull refused for the same reasons to say whether, at the time of her testimony before the subcommittee on July 2, 1963, she was a member of the Communist Party.

At the conclusion of Mrs. Paull's testimony, the subcommittee again called Mr. and Mrs. Pestana. They claimed that their attorney was unable to appear at that time and that they were, therefore, not represented by counsel as they were entitled to be. The chairman excused them with instructions that they were to try to obtain counsel and return to the hearing with a report on their progress after the noon recess.

The next witness was John Allen Johnson, also known as Allen Johnson, of San Anselmo, Calif. Mr. Johnson repeatedly invoked the first and fifth amendments, rather than affirm or contest the following information about him compiled by the Committee on Un-American Activities:

On April 17, 1951, Mr. Johnson made application at San Francisco, Calif., for a U.S. passport, supposedly for the purpose of making a 1-month tour of England and France. He revealed no plan to visit the U.S.S.R. Passport No. 27712 was issued to him the next day.

On June 5, 1952, according to an announcement in the *People's World* of June 4, 1952, Allen Johnson spoke at the previously mentioned California Labor School about his firsthand impressions of the Soviet Union, based on a visit he had made there the year before.

Also, in 1952, Mr. Johnson was expelled from the AFL Carpenters Union because of alleged membership in the Communist Party.

When Charles David Blodgett appeared before the Committee on Un-American Activities on December 3, 1953, he testified that he had been a member of the Communist Party in Alameda County, Calif., from 1946 until 1950. Mr. Blodgett said that during this period he had attended meetings of the political affairs committee of the Alameda County Communist Party which were also attended by Allen Johnson, then employed by the AFL Carpenters Union.

On November 14, 1960, Mr. Johnson applied for a U.S. passport at San Francisco, supposedly for a 1-year visit, beginning approximately February 1, 1961, to England, France, and Sweden. Passport No. 2426303 was issued to him on November 17, 1960. It was never validated for travel to Cuba.

Mr. Johnson and his wife, Margaret Frances, entered Mexico on February 18, 1961. With expenses paid by the Cuban Government, they departed by ship on April 7, 1961, for a trip to Havana. On April 28, 1961, Mr. and Mrs. Johnson established a residence at No. 41-15 Avenida la Buntillo, Havana, Cuba.

In the *People's World* of December 30, 1961, there appeared an item under the title of "A Letter From Havana—Invasion Threat Shadows a Banner Year." The letter was printed over the name of Allen Johnson. The *People's World* commented that Johnson at that time was working in Cuba and circulating a newsletter.

In addition to invoking the first and fifth amendments when questioned about the activities described above, Mr. Johnson declined for the same reasons to say if, at any time after January 16, 1961, he had sought passport validation for travel to Cuba; if he had remained in Cuba from April 1961 until the spring of 1963; how he had supported himself while in Cuba; whether he had received financial assistance from the Cuban Government while he was in Cuba; and whether he was, at the time of his testimony, or had been in the past, a member of the Communist Party.

Mrs. Margaret Frances Johnson, wife of Allen Johnson, was the final witness before the subcommittee during the morning session on July 2, 1963.

According to the committee's information, Mrs. Johnson was a member of the Communist Party in the El Cerrito area of California as early as 1943. On October 29, 1950, the *Oakland Tribune* reported that Mrs. Johnson, who had been a school teacher for 31½ years, announced that she would neither sign a State-required loyalty oath nor resign from her teaching position. She reportedly said she hoped to challenge the constitutionality of the loyalty oath law in the courts.

In 1951, according to the March 23 issue of the *People's World* of that year, Mrs. Johnson was a candidate for director on the Oakland board of education.

On November 17, 1960, Mrs. Johnson received a passport as a result of an application filed 3 days earlier, similar to the one filed by her husband. In 1961, without having her passport validated for travel to Cuba, Mrs. Johnson accompanied her husband on a trip there, where she evidently remained until the spring of 1963.

Mrs. Johnson invoked the first and fifth amendments to all subcommittee queries about the above-described activities. She likewise declined to answer questions about past and present membership in the Communist Party.

When the subcommittee convened for the afternoon session on July 2, Mr. and Mrs. Pestana again claimed not to have been able to engage counsel. Chairman Willis informed them that their subpoenas were being continued and instructed them to appear before the subcommittee in the Caucus Room of the Old House Office Building, Washington, D.C., at 10 a.m. on July 10, 1963.

The subcommittee's final witness on July 2 was Miss Harriett Buhai, a Los Angeles attorney.

On January 14, 1960, Miss Buhai applied for a passport at the Los Angeles Passport Agency of the State Department, indicating a plan to take a pleasure trip to Denmark, Switzerland, France, England, and Italy for a period of 3 or 4 months, with a tentative departure date of February 15, 1960. Passport No. 1845770 was issued to Miss Buhai on January 15, 1960.

On December 26, 1962, she applied for renewal of the passport for a combination business and pleasure trip to Brazil and other countries, beginning approximately January 7, 1963.

According to information obtained in a preliminary committee investigation, Miss Buhai traveled from Mexico to Cuba on or about August 31, 1962, in the company of Helen Travis, Nestor Otto Bravo, and Eustasia Sokolowski Madrigal. Miss Buhai's passport had not been validated for travel to Cuba.

On October 26, 1957, the *People's World* reported that Miss Buhai had stated before the State Bar Examiners of California in 1955 that she had been a member of the Communist Party 11 years earlier, but had resigned.

The January 9, 1960, *People's World* published an account of an election held by the Hollywood-Beverly Hills Chapter of the National Lawyers Guild at which Miss Buhai was elected to the chapter's executive board. Of the 15 persons named as having been elected to chapter offices in that account, 7 have been identified as members of the Communist Party in testimony before this committee.

Miss Buhai invoked the fifth amendment and other reasons for refusing to answer subcommittee questions about the above matters. She also declined to affirm or deny whether she had organized the Los Angeles chapter of the Medical Aid to Cuba Committee, of which Helen Travis became secretary. Miss Buhai continued her declinations when asked if she knew Miss Travis to be, or to have been, a Communist Party member; if she had organized the Los Angeles Medical Aid to Cuba group as a result of instructions from Dr. Louis Miller, medical director for the national MACC; whether she knew Dr. Miller, who, according to testimony before this committee in 1951, had attended enlarged meetings of the National Committee of the Communist Party in the 1940's; if funds had been raised and for-

warded to the New York Medical Aid group by the Los Angeles group; if she and fellow attorney, Jean Kidwell Pestana, as reported by the *Daily News* of Whittier, Calif., on June 21, 1963, had shown slides and lectured on the subject of Cuba at a meeting sponsored by the Women Strike for Peace at the Unitarian Center in Whittier; and if she, at the time of her testimony or in the past, had been a member of the Communist Party.

AUGUST 5, 1963, HEARINGS

Mr. and Mrs. Frank Pestana testified at public hearings held by the committee in Washington, D.C., on August 5, 1963, after having been granted two continuances by the committee on their claim of unavailability of counsel and a heavy calendar of legal work to which they were committed during the month of July. These continuances were in addition to those granted in Los Angeles. Joseph North, a correspondent for *The Worker* and other Communist publications, also testified on the same day.

Mrs. Jean Kidwell Pestana, who in 1952 had been identified in testimony before this committee as having been a member of a lawyers' group within the Communist Party in the late forties, was the first witness. She repeatedly invoked the fifth amendment and other reasons for refusing to answer questions concerning the following information obtained by the committee through a preliminary investigation:

On January 15, 1960, Mrs. Pestana applied for a U.S. passport at Los Angeles, stating her intention of taking a 3- or 4-month pleasure trip to Sweden, Norway, England, Denmark, France, and Italy. She was issued passport No. 1899805 on January 28, 1960.

Without having had that passport validated for travel to Cuba by the State Department, Mrs. Pestana, in the company of Mrs. Rose Rosenberg, flew via Cubana Airlines from Mexico to Cuba in early April 1962. She returned to the United States the following month.

According to announcements in the *People's World* of June 2, 1962, and the *National Guardian* of June 4, 1962, Mrs. Pestana and Mrs. Rosenberg gave a report on their 1-month visit to Cuba at a meeting of the Los Angeles Committee for Medical Aid to Cuba on June 6, 1962.

On March 10, 1963, Mrs. Pestana and her husband appeared at the Long Beach Unitarian Church and showed slides purporting to demonstrate conditions in Cuba prior to and after Castro's coming to power. At this meeting (although she declined to expound upon it for the subcommittee) Mrs. Pestana allegedly said: "I have been in many socialist countries, but the fastest progress has been in Cuba." Also, in answer to a question from the audience, she admitted having been in Cuba in May 1962 as a guest of the Cuban Government.

A flier circulated in Los Angeles in the spring of 1963 advertised a special event, "Be An Eye Witness in Cuba," scheduled for April 21, 1963, at the First Unitarian Church. According to the flier, Frank Pestana and Jean Kidwell (her maiden and professional name) Pestana were to present "Cuba Today in Pictures" at the church's College Center for an audience of college-age persons only.

On June 21, 1963, as reported in the next day's *Daily News* of

Whittier, Calif., Mrs. Pestana lectured on Cuba during an appearance with Miss Harriett Buhai, who operated a slide projector, before a Women Strike for Peace meeting in Whittier. On that occasion, Mrs. Pestana said that during her tour of Cuba in 1962 she had been accompanied by a friend and an official Cuban interpreter. She declined to tell the subcommittee whether that friend had been Rose Rosenberg and whether she knew either Mrs. Rosenberg or Miss Buhai to be a member of the Communist Party.

Mrs. Pestana told the subcommittee she had not received compensation in any manner from the Cuban Government, yet she invoked the fifth amendment, among other reasons, for declining to answer when asked if she had understood, while receiving benefits as the guest of the Cuban Government during her visit to Cuba, that she was to lecture favorably about the Castro regime upon her return to the United States.

She admitted she had not registered with the Department of Justice as a foreign agent, and denied being one. She denied participating in pro-Castro activities while under the discipline of the Communist Party with a view toward carrying out party objectives.

She invoked the fifth amendment and other reasons for refusing to say whether she was presently a member of the Communist Party.

Frank S. Pestana, husband of the previous witness and also an attorney with offices in Los Angeles, was next to testify before the subcommittee on August 5. A native of Portugal, Mr. Pestana became a naturalized U.S. citizen in 1937. At hearings conducted by the Committee on Un-American Activities in 1952, three witnesses identified him as a member of a lawyers' cell within the Communist Party.

Mr. Pestana invoked the fifth amendment and other reasons for refusing to say before the subcommittee on August 5 whether he had been a Communist Party member as so identified in 1952 and if he had continued to be a member of the party since that time.

Committee investigation conducted prior to Mr. Pestana's being subpoenaed to testify in these hearings revealed that on April 20, 1959, he applied for renewal of a U.S. passport issued him in 1956. In his application for renewal, he said he intended to travel to Portugal, Spain, and Italy over a period of about 3 weeks for the purposes of business and visiting relatives. He listed April 27, 1959, as the approximate date of departure. On April 24, 1959, he received renewal of passport No. 134222.

Mr. Pestana invoked the fifth amendment and other reasons in declining to tell the subcommittee if he had actually departed on a trip to Portugal, Spain, or Italy on or about April 27, 1959. He continued to decline to answer when asked questions about the following information developed by the committee's investigation:

Mr. Pestana served as an American delegate at the 10th anniversary session of the Soviet-staged World Peace Council held in Stockholm, Sweden, on May 8-13, 1959. On December 20, 1959, at the First Unitarian Church of Los Angeles, he was given a reception by the Reverend and Mrs. Stephen H. Fritchman, who had been fellow delegates to the World Peace Council meeting in Stockholm. According to the church's newsletter announcement of the reception, Mr. Pestana lectured and showed slides on the subject of China.

On May 4, 1961, according to a preceding flier announcement, Mr. Pestana presented an illustrated talk, entitled "Six Weeks in Communist China," at a meeting sponsored by the Santa Barbara [Calif.] Friends of KPFK. The flier contained the additional information that he had traveled 10,000 miles over the Chinese mainland as the guest of a Chinese classmate at the University of California.

Mr. Pestana invoked his previous reasons in declining to tell the subcommittee if, when he applied for renewal of his passport in April 1959 for an alleged trip to Italy, Spain, and Portugal, he had actually intended to travel to the World Peace Council session at Stockholm and then to visit Red China.

He declined to say whether, as announced in a flier circulated in Los Angeles in the spring of 1963, he had participated in a "Be an Eye Witness in Cuba" program at the First Unitarian Church on April 21, 1963. He declined also to say if the flier had been correct in stating that he had taken an extensive tour of Cuba in May 1962.

Neither would the witness confirm or deny the subcommittee's information that he had addressed a meeting at the Long Beach Unitarian Church on March 10, 1963, at which time he stated (1) he had gone to Cuba in 1961 with 40 other couples and (2) he had been in Communist China recently. He cited his previous reasons for refusing to say whether he at any time had possessed a passport validated for travel to Red China; whether he had received any direct or indirect compensation from the Cuban or Chinese Governments for his lecturing activities; and whether, on his talks on Communist Cuba and Red China, his purpose had been to influence the U.S. public with respect to the policies of the governments of those foreign countries.

The final witness at the subcommittee's hearings on August 5 was Joseph North, a correspondent for *The Worker* and a writer for many other Communist publications in this country for more than a quarter of a century. He has been identified as a member of the Communist Party on a number of occasions by witnesses before the Committee on Un-American Activities.

On January 27, 1960, Mr. North filed an application for a U.S. passport, stating his intention to visit Britain, Italy, Czechoslovakia, Soviet Russia, and France over a period of about 3 months, beginning approximately March 1960. Passport No. 1871124 was issued on February 1, 1960.

Mr. North subsequently traveled to France, Italy, the Soviet Union, and Czechoslovakia, returning to the U.S. with his passport apparently in good order on September 15, 1960.

On December 16, 1960, according to an entry made on his passport by Cuban authorities, he arrived in Cuba.

The witness invoked the fifth amendment and other reasons in refusing to tell the subcommittee if he had known that on January 16, 1961, the State Department issued a regulation banning travel to Cuba unless the traveler was in possession of a passport specifically endorsed by the Department for such a trip.

During the months of January, March, April, May, and August, 1961, *The Worker* published articles by-lined by Mr. North and date-lined Havana.

An exit visa on his passport showed that Mr. North departed from Cuba on August 12, 1961, although he declined to tell the subcommittee whether he had returned to the U.S. or traveled elsewhere at that time. In any event, *The Worker* of August 27, 1961, carried another article from Cuba by Mr. North, indicating that he had returned to Cuba by that date. Additional North articles datelined Havana appeared in *The Worker* in the months of September, November, and December 1961 and in every month of 1962 except March and July.

North's passport contained an entry of his arrival in Czechoslovakia on December 14, 1962, and an entry of departure from that Iron Curtain country on January 31, 1963, the same date on which his arrival in the U.S. was noted.

Upon arrival from Czechoslovakia at the New York International Airport, his passport was lifted by representatives of the U.S. Immigration and Naturalization Service. This resulted from a request for such action at the first opportunity made by the State Department's Passport Office in Washington on May 4, 1962, based on information that Mr. North had traveled to and from Cuba since January 16, 1961, without proper passport validation to do so.

Mr. North invoked the fifth amendment and his other previously cited reasons for refusing to tell the subcommittee whether, at any time after the significant date of January 16, 1961, he had applied for or received passport validation for travel to Cuba; if at any time during 1961 or 1962 he had delivered any message or communication from anyone in the United States known to him to be a Communist to persons in Cuba associated with the Castro government; and if he had delivered any message or communication from any person in Cuba known to him to be a Communist to anyone in the United States known to him to be a Communist.

At the conclusion of the August 5 hearings, Chairman Willis instructed the committee staff to forward a record of the day's proceedings to the Department of Justice for possible prosecution of the three witnesses for violation of passport requirements relating to travel to Cuba.

VIOLATIONS OF STATE DEPARTMENT REGULATIONS AND PRO-CASTRO PROPAGANDA ACTIVITIES IN THE UNITED STATES

Part 2

MONDAY, JULY 1, 1963

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Los Angeles, California.

PUBLIC HEARINGS

A subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10:30 a.m., in Room 518, U.S. Post Office Building, Los Angeles, Calif., Hon. Edwin E. Willis (chairman) presiding.

Subcommittee members: Representatives Edwin E. Willis, of Louisiana; William M. Tuck, of Virginia; and August E. Johansen, of Michigan.

Subcommittee members present: Representatives Willis, Tuck, and Johansen.

Committee member also present: Representative John M. Ashbrook, of Ohio.

Staff members present: Francis J. McNamara, director; Alfred M. Nittle, counsel; and William A. Wheeler, investigator.

The CHAIRMAN. This subcommittee will please come to order.

The subcommittee is convened to continue hearings begun in Washington on May 6 of this year on certain matters and for the legislative purposes set forth in the committee's resolution adopted on April 24 of this year. I will read the text of that resolution for the record:

BE IT RESOLVED, that hearings by the Committee on Un-American Activities or a subcommittee thereof, be held in Washington, D.C., or at such other place or places as the Chairman may determine, on such date or dates as the Chairman may designate, relating to (a) Communist propaganda activities in the United States conducted in support of the Communist regime in Cuba, or for the purpose of advancing the policies and objectives of the world Communist movement in Latin America generally, (b) the activities of United States citizens acting on behalf of, or in the interest of, foreign Communist principals, and (c) foreign travel undertaken by United States citizens in connection with such activities and in violation of State Department travel regulations, for the following legislative purposes:

1. To provide factual information to aid Congress in the disposition of presently pending legislation (including, but not limited to Sections 709 and 712 of H.R. 958), or in the proposal of remedial legislation, in fulfillment of the directions contained in the mandate to the Committee by House Resolution 5 of January 9, 1963, and Public Law 601 of the 79th Congress.

2. The execution, by the administrative agencies concerned, of the Foreign Agents Registration Act of 1938, travel control laws (particularly Title 8 U.S.C. 1185), and regulations issued pursuant thereto, to assist the House in appraising the administration of such laws and regulations.

3. Consideration of the advisability of amending Title 22 U.S.C. 611, by extending the definition of the terms "foreign principal" and "agent of a foreign principal" so as to remove any doubt as to the true test of the agency relationship or its application to activities within the intent of Congress as expressed in the Act.

BE IT FURTHER RESOLVED, that the hearings may include any other matter within the jurisdiction of the Committee which it, or any subcommittee thereof, appointed to conduct these hearings, may designate.

At the opening of the hearings in Washington, D.C., I read a very complete statement concerning the purposes and subject matter of these hearings. I will now summarize that statement:

Over 12 years ago, on December 16, 1950, the President of the United States proclaimed the existence of a national emergency. That proclamation has not been altered or repealed by succeeding Presidents. The emergency continues. Today we must be concerned not only about communism in Korea and other distant countries, but in Cuba—just 90 miles from our shores.

Fidel Castro has converted Cuba into an advance Communist base in this hemisphere. It is supplying inspiration, propaganda, training, communications, and technical assistance to Communist and revolutionary groups in the whole of Latin America. It is also serving as an outpost of the Soviet Union from which that country is directing certain activities against the United States.

Central Intelligence Agency Director John McCone, in an appearance before the House Committee on Foreign Affairs on February 19, stated:

The Cuban effort at present is far more serious than the hastily organized and ill-conceived raids that the bearded veterans of the Sierra Maestra led into such Central American countries as Panama, Haiti, Nicaragua, and the Dominican Republic during the first 8 or 9 months Castro was in power.

Today, the Cuban effort is far more sophisticated, more covert, and more deadly. In its professional trade craft, it shows guidance and training by experienced Communist advisers from the Soviet bloc, including veteran Spanish Communists.

Mr. McCone also pointed out that approximately 1,500 persons went to Cuba during the year 1962 from other Latin American countries to receive ideological indoctrination and guerrilla warfare training. He said that some of the courses given in Cuba last as long as a year and include intensive training in sabotage, espionage, and psychological warfare and that the so-called visitors to Cuba also serve as couriers for Soviet communications and the financing of Communist subversion in various countries.

United States citizens, too, have been involved in these activities. In an effort to prevent such activities by citizens of this country—and because, following the severance of diplomatic relations, it could not protect U.S. nationals in Cuba—the Department of State issued regulations, effective January 16, 1961, prohibiting travel to Cuba by citizens of the United States unless they possessed specially validated passports [22 CFR Pt. 53.3, as amended]. These regulations are based on the security provisions of the Immigration and Nationality Act of 1952, regulating travel of citizens and aliens during war or national emergency, and empowering the President to impose re-

strictions and prohibitions, in addition to those provided by the applicable section of the Act [8 U.S.C. 1185].

Present regulations generally require no passport for travel in North, Central, or South America. However, when a U.S. citizen travels to Cuba, he is then required to have a passport for travel in other nations of North, Central, or South America through which he may pass in traveling to or from Cuba.

Despite the ban on travel to Cuba unless a specially validated passport is obtained, committee investigation has determined that over 100 American citizens have traveled to Cuba without validation. Committee investigation has also revealed that U.S. citizens who had traveled to Cuba, some with and some without validation, have been rendering propaganda assistance to the Communist Cuban regime after their return to this country.

On January 9, 1963, the late chairman of this committee—my former good and great and fine friend, Congressman Walter—introduced H.R. 958, which was referred to the Committee on Un-American Activities. Sections 709 and 712 of that bill, dealing with passport security and travel control and restrictions on the issuance and use of passports, are directed particularly toward the travel of persons associated with subversive organizations and with subversive objectives or aims.

Other bills have been introduced in the House in an effort to resolve these difficulties and have been referred to the Committee on the Judiciary. The Committee on Un-American Activities has undertaken this investigation and hearings pursuant to its mandate to conduct investigations that will aid the Congress in disposition of pending legislation.

The unfortunate and untimely death of my friend, Tad Walter, late chairman of this committee, has made it necessary for me to issue a new order of appointment of the subcommittee conducting these hearings. I will now read that order for the record:

JUNE 21, 1963.

To: Mr. Francis J. McNamara,
Director, Committee on Un-American Activities.

Pursuant to the provisions of the law and the Rules of this Committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, consisting of Honorable William M. Tuck and Honorable August E. Johansen as associate members, and myself as Chairman, to conduct a hearing in Los Angeles, California, Monday, July 1, 1963, at 10:00 A.M., on subjects under investigation by the Committee and take such testimony on said day or succeeding days, as it may deem necessary.

Please make this action a matter of Committee record.

If any Member indicates his inability to serve, please notify me.

Given under my hand this 21st day of June, 1963.

/s/ Edwin E. Willis

EDWIN E. WILLIS,

Chairman, Committee on Un-American Activities.

We have with us, happily, also a member of the full committee, though not a member of this subcommittee, and we are so glad to have him, Congressman Ashbrook of Ohio.

Now, with this explanation of the purposes of the hearing, Mr. Counsel, please call your first witness.

Mr. JOHANSEN. Mr. Chairman, before you proceed, since the chairman has mentioned our good friend, Congressman Walter, whose pass-

ing we lament, I should like to make note on the record that this is the first hearing held here in California since the death of our good friend, Congressman Doyle, from the State of California, and to express my regret over his passing and absence from amongst us today.

The CHAIRMAN. Thank you very much.

Mr. NITTLE?

Mr. NITTLE. Mrs. Helen Travis, you may come forward, please.

Mrs. Travis, you are not being sworn as a witness. You spoke to me this morning, and I understand that you desire to speak to the committee, concerning a motion you have to make or that you have in mind.

STATEMENT OF HELEN TRAVIS

Mr. NITTLE. For the record, would you state your name and give your residence to the reporter, please?

Mrs. TRAVIS. My name is Helen Travis. My address is 6324 Primrose Avenue, Los Angeles.

Mr. NITTLE. Are you represented by counsel?

Mrs. TRAVIS. Yes.

Mr. NITTLE. And you desire to be heard by yourself and counsel?

Mrs. TRAVIS. He would like to make the motion in my behalf.

The CHAIRMAN. Well, what is he leading to? Would you give your name for the record?

Mr. McTERNAN. My name is John T. McTernan. My offices are 3175 West 6th Street, Los Angeles 5, California.

The CHAIRMAN. Sir, we, as you know, received a copy of your motion.

Mr. McTERNAN. I am glad to hear that.

The CHAIRMAN. Mrs. Travis, the committee has received from you, through your attorney, Mr. John T. McTernan, a motion for withdrawal of the subpoena dated June 12, 1963, and served on you on June 19, 1963, requiring you to appear and testify before the committee today.

In this petition you stated that the grand jury for the United States District Court for the Southern District of California has indicted you on two counts for violating the laws of the United States, specifically section 1185(b) of Title 8 of United States Code.

I personally learned of your indictment on June 26, the day it was handed down, and 19 days after I had authorized the service of a subpoena on you so that the committee could question you on evidence it had obtained concerning travel to Cuba on your part on two occasions in 1962.

I immediately conferred with the staff director of the committee, Mr. Francis McNamara, who is here today, and concluded that your subpoena should be withdrawn. This was 4 days before I learned of the motion formally submitted to the committee in your name.

The submission of this motion, however, necessitated consideration of the matter by the subcommittee, and the subcommittee did pass on it. The committee in the past has rejected many motions of somewhat similar nature, primarily because they have been propaganda documents lacking any foundation in law, in fact, or under the Constitution. Your motion, however—for reasons I considered before I knew of its existence—has a solid legal foundation. It is for this reason that the subcommittee acted favorably on it.

The subcommittee met this morning, considered, and acted favorably on your motion. It is granted.

The committee is always ready to act favorably on such petitions based on good grounds. There is no need for you to be sworn. Your subpoena is quashed. You are excused.

Mrs. TRAVIS. Thank you.

The CHAIRMAN. The next witness.

Mr. NITTLE. Would Mrs. Rose Schorr Rosenberg please come forward?

The CHAIRMAN. Are you ready, Mr. Counsel?

Mr. NITTLE. Yes, sir.

The CHAIRMAN. Please rise and raise your right hand.

Do you solemnly swear that the testimony you are about to give before this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. ROSENBERG. I do.

Mr. MARSHALL. Will the chairman wait a moment until the photographers are through?

The CHAIRMAN. Do you object to it?

Mr. MARSHALL. Well, it interrupts the witness. I think they are about finished.

TESTIMONY OF ROSE SCHORR ROSENBERG, ACCOMPANIED BY COUNSEL, DANIEL G. MARSHALL

Mr. NITTLE. Would you state your full name and residence for the record, please?

Mrs. ROSENBERG. My name is Rose S. Rosenberg; and before proceeding, Mr. Chairman, I would like to present a motion. I would like to present it orally. It is a brief motion.

Mr. NITTLE. Mrs. Rosenberg, we will certainly give you the opportunity to present your motion, but you should first be identified.

The CHAIRMAN. Let's get the witness identified.

Mrs. ROSENBERG. I have identified myself by name.

The CHAIRMAN. Well, we have to have the identity of your counsel. Just withhold one second.

Mr. NITTLE. And you have not stated your residence, I believe.

Mrs. ROSENBERG. I refuse to give my residence. I will, however, give the address of my office where I was served and where this body knows I can be reached.

My reason for refusing to give my residence, Mr. Chairman, is that I will be subjected to harassment, to obscene phone calls, and to the burning of signs at my home. I see no relevancy to any legislative purpose of this committee to require a witness to disclose this private fact, the place where he lives. I have identified myself.

I will stipulate that I am the person who was subpoenaed, and my office address is 1741 North Ivar Avenue.

The CHAIRMAN. Well, we won't quarrel with your residence since you gave some address, anyway. Proceed.

Mr. NITTLE. Of course, you are a resident of the City of Los Angeles, are you not?

Mrs. ROSENBERG. I believe there is a motion or a request to present a motion to the Chair. May I have a ruling sir, on that before we proceed with the questions?

The CHAIRMAN. Well, let's not—proceed. I want to identify your counsel. That is the rule of the committee.

Mrs. ROSENBERG. Very well.

Mr. NITTLE. Are you represented by counsel, Mrs. Rosenberg?

Mrs. ROSENBERG. I am proud to be represented by a foremost counsel in this community.

Mr. NITTLE. Would counsel kindly identify himself for the record, stating his name and office address?

Mr. MARSHALL. Daniel G. Marshall, 258—Sir, did you say something?

Mr. NITTLE. No.

Mr. MARSHALL. 258 Marlton Building, 4041 Marlton Avenue, Los Angeles 8.

The CHAIRMAN. Now, you want to present a motion?

Mrs. ROSENBERG. I would be pleased to do so, Mr. Chairman.

The CHAIRMAN. Well, I hope you will get to the meat of it.

Mrs. ROSENBERG. I will.

The CHAIRMAN. All right.

Mrs. ROSENBERG. A motion is hereby made to quash my subpoena and to terminate forthwith all the proceedings herein on the following, among other, grounds:

My first request is that this hearing be held in executive session pursuant to the rules of this committee. I believe the rule is (m)—subsection (m) of Rule XI. In the event that the chairman grants this request, there will be no necessity for proceeding with my motion. May I, therefore, request a ruling on that demand?

The CHAIRMAN. Prior to coming to Los Angeles, the full committee acted on similar motions, but your name did not appear. Your name was not among the six who made application for quashing on the basis of the rule you indicated.

Furthermore, the committee authorized the subcommittee to act on similar motions that might be made while we were here. The subcommittee considered your name and others subpoenaed this morning and the general background of the indicated testimony that we thought you can supply, and here is the ruling made by the full committee, which applies in your instance.

The Committee on Un-American Activities has considered and rejected requests that subpoenas be quashed or, should they not be quashed, that the witnesses be heard in executive session. I think it is only fair to tell you why the committee arrived at this decision.

First, you stated here in your request that the committee's inquiry—well, I don't think you have reached beyond the point, I think you only base your request now on the basis of the rules of the House on executive session; is that right?

Mrs. ROSENBERG. That is true. And this is my first request, Mr. Chairman, so that you could not have considered or ruled on it heretofore.

The CHAIRMAN. Pardon?

Mrs. ROSENBERG. This is my initial request, Mr. Chairman, so that your prior ruling with regard to others would have no effect on mine.

The CHAIRMAN. Well, this applies to you and this ruling; I am now ruling on your application for the reasons indicated.

The full committee considered similar requests, and this subcommittee considered requests made by you now, and we find there is no foundation for it.

Now, as a general proposition, the rules of Congress contemplate that all hearings be public except in certain circumstances where executive sessions are necessary or advisable. The business of the Congress is the business of the American people. The people, whenever it is at all possible, should be able to see just what Congress and its committees are doing and how they are doing it. The committee in this hearing is dealing with matters of public interest, the laws of the United States, which are the laws of the people, their administration, and whether or not there is need for revision of them.

Under the circumstances and because there is no compelling reason for executive or secret session with respect to yourself, we believe that these hearings should be held in public.

Now, you base your request for a hearing in executive session on section 26(m) of Rule XI of the House of Representatives, and the Rules of the House of Representatives are binding on all committees of the House.

Apparently you, however, or your counsel or whoever advised you misunderstands and misreads that rule. This rule of the House, and I have obtained a personal ruling on it by the House Parliamentarian, who is regarded as the finest parliamentarian on the face of God's earth——

[Laughter.]

The CHAIRMAN. —and the House Parliamentarian—now, I am not going to stand for that. This is serious business.

The rule of the House, as interpreted by our counsel and by myself and the House Parliamentarian, applies to third parties who might be named by a witness called before a committee of the House, rather than to a witness, such as you, who has been summoned to give testimony on a matter of public interest. The committee, through investigation and research, has developed certain information, as I indicated a while ago, about your activities; and we believe that you possess information, if you will give it, which will be helpful in connection with the subject matter of this hearing, which we think can well result in legislation amending both the travel laws of the United States and the Foreign Agents Registration Act. Therefore, your request—your motion is denied.

Mr. NITTLE. Mrs. Rosenberg, would you state the date and place of your birth, please?

Mrs. ROSENBERG. Just a moment. I am consulting with counsel.

May I observe, Mr. Chairman, just to keep the record straight, that as I read the rule, the rule says, "any person." It does not set out which person.

The CHAIRMAN. Well, that is argumentative, and I have ruled. If you are dissatisfied, your lawyer knows what to do.

Mrs. ROSENBERG. May I at this time—I am proceeding now with my motion to quash. Perhaps the Chair will rule favorably on this motion then. And I am proceeding to make this request on the following, among other, grounds:

First, the hearing—this hearing is in violation of the first amendment of the Constitution of the United States, which provides that "Congress shall make no law * * * abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances," and where Congress cannot legislate this committee may not interrogate, as the

only purpose for which this committee was empowered was to make inquiries regarding possible legislation, and since the Congress is expressly prohibited from legislating in first amendment areas, this committee may not interrogate on ideas, beliefs, associations.

All investigations of this or any committee of the Congress are subject to the command that the Congress is limited in its lawmaking and investigations are permissible solely as an adjunct to the legislative power.

Further, this congressional resolution empowering the committee to function is itself an affront to the first amendment. The only function, I call to the attention of this body——

The CHAIRMAN. Well, now, frankly, you are reading a brief.

Mrs. ROSENBERG. Mr. Chairman, I am giving my legal reasons.

The CHAIRMAN. You are reading a brief rather than a motion now. Your counsel will tell you that. I understand the substance of your motion. Now you are debating it and you are going into an analysis of a brief.

Mrs. ROSENBERG. Not at all. If I may say so, Mr. Chairman, I am setting out the resolution which is the basis of this committee's sitting here——

The CHAIRMAN. I suggest that——

Mrs. ROSENBERG. —the empowering resolution.

The CHAIRMAN. I suggest that you come to the point because on that, on what you have said thus far, we have made too many rulings on that, so many court decisions that I am afraid we are just consuming time.

Mrs. ROSENBERG. Well, I am hopeful constantly that this committee and others will see the light and be rational and reasonable and constitutional.

The CHAIRMAN. Is there——

Mrs. ROSENBERG. For example, Mr. Willis——

The CHAIRMAN. Do you have any other points?

Mrs. ROSENBERG. Yes, I have. I have several other points.

The CHAIRMAN. Well, come to it.

Mrs. ROSENBERG. And I ask to be heard on it. This motion to quash is an affront to the first amendment.

The CHAIRMAN. Well, that is on the first amendment. Do you have anything else?

Mrs. ROSENBERG. Yes. I wouldn't dismiss the first amendment so lightly, Mr. Chairman.

[Laughter and applause.]

Mrs. ROSENBERG. I am very serious, Mr. Chairman. I do not take this lightly at all. I have given much thought to this.

The CHAIRMAN. Well, I don't either.

Mrs. ROSENBERG. No. And I am glad we have found one area of agreement. I am doubtful if we will find any others on which we do agree. But this is a serious matter.

The CHAIRMAN. Well, present your motion.

Mrs. ROSENBERG. Well, I will. We could probably save time, sir——

The CHAIRMAN. How long is it?

Mrs. ROSENBERG. There are just two more points.

The CHAIRMAN. All right.

Mrs. ROSENBERG. That the propaganda activities which this committee may, by its empowering statute or empowering resolution, deal

with, deals itself with debates and books and all media of communication which comes under the first amendment.

And under the ninth amendment, Mr. Chairman, this committee should quash this subpoena because ours is a government of delegated powers. There are no powers delegated for this purpose.

The motion to quash is made on the further ground that other agencies of our Government, if any, are the appropriate bodies to function in the very stated areas of this inquiry. For example, you have mentioned travel, passports, foreign affairs. This is properly a function of the State Department and the Judiciary.

You have talked about violations of law. I take it you do not presume to call this a court of law nor a judiciary committee.

In the enforcement of laws, this is the task of the executive and for law enforcement agencies; and there are, therefore, other committees which should be hearing any information which witnesses want to give.

And I believe, further, if the motion to quash should be granted on the ground that the purpose of this committee is, in fact, not to gather information looking to possible future legislation, but to examine for exposure's sake and to smear for smear's sake, or it would have in fact granted the request for an executive session, where it could easily have gotten the information—whatever information it can get—and I want to assure this committee, in passing, that it will get no information from me and should, therefore, dismiss me forthwith.

[Laughter.]

Mrs. ROSENBERG. This committee does not look to legislation, but rather to limitation, to limitation of vigorous opposition to some governmental policies, emasculating sound public debate and reducing it to compliance or indifference or cynicism. And all of this is in violation of the Supreme Court decision of the *United States v. Watkins*.

The CHAIRMAN. I thought you were going to come to the point and make your motion. Now, this is an argument. We are not going to stand for it.

Mrs. ROSENBERG. I will proceed now, Mr. Chairman, to my final motion to quash, which is made on the basis of section 2 of Article XIV to the United States Constitution—I am sure, Mr. Willis, you are particularly aware of it—which provides that Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state. But when the right to vote at any election for President, Vice President, or Representatives of the Congress, of which this body is a part, is denied to any citizens of 21 years, or in any way abridged, the basis of representation shall be reduced in the proportion which the number of such citizens shall bear to the whole number of citizens of 21 years in such state.

At least one of the members of this committee, and I believe, Mr. Chairman, you are from Louisiana, comes from a state where voting to many of its citizens is denied. And I am sure you are also aware there is presently pending in the Federal courts an action brought by the National Association of Colored People to enforce the section.

And I move that this committee, at the very least, suspend its operation until there has been a judicial determination of that issue.

And, finally, Mr. Chairman—

The CHAIRMAN. I thought you said the last was your last point. Mrs. ROSENBERG. That was penultimate. This is the ultimate.

[Laughter.]

Mrs. ROSENBERG. I advance, soberly and seriously and with all the vigor and passion of which I am capable, that the quashing of this subpoena should be granted because this committee threatens the very existence of the liberty of the American people, and I would like to submit in support——

The CHAIRMAN. Well, that is enough. You have filed your motion. The balance would be argumentative.

All the points you have raised have been urged upon us on many occasions. They are frivolous, ungrounded, contrary to decisions on the subject. Your motion is denied.

Proceed, Mr. Nittle.

Mrs. ROSENBERG. I thought you may be interested, Mr. Chairman——

The CHAIRMAN. Proceed, Mr. Nittle.

Mr. NITTLE. Now, the last question, Mrs. Rosenberg, which was posed to you was to have you state the date and place of your birth.

We ask these questions for the purpose of identification.

Mrs. ROSENBERG. Well, I will stipulate that I am the person whom you have subpoenaed, sir. I see no relevancy to giving certain facts that I think are private.

The CHAIRMAN. I think it is relevant. I direct you to answer the question.

Mr. NITTLE. We are not merely concerned, Mrs. Rosenberg, with whether or not——

The CHAIRMAN. That's all right. That's all right. She has been directed.

Mrs. ROSENBERG. I am prepared to answer that question, but——

The CHAIRMAN. Well, answer it.

Mrs. ROSENBERG. But may the——

The CHAIRMAN. Just answer it. It's a very simple question.

Mrs. ROSENBERG. Yes. I understand it. It is a very simple question. Being here is not a simple matter.

The CHAIRMAN. I know. It's not a pleasure for us either.

Will you answer the question?

Mrs. ROSENBERG. Yes. I would like to make a statement.

The CHAIRMAN. Ask the next question, Mr. Nittle.

Mrs. ROSENBERG. Well, I was born——

Mr. NITTLE. Well, Mrs. ——

The CHAIRMAN. All right, wait. She was answering it.

Mrs. ROSENBERG. I was born, obviously, and the date of my birth, as I recollect it, is September 10, 1905.

The CHAIRMAN. Proceed.

Mr. NITTLE. And would you state the place of your birth?

Mrs. ROSENBERG. The place of my birth is Hodmezovasarhely, Hungary.

Mr. NITTLE. Are you a citizen of the United States?

Mrs. ROSENBERG. I am.

Mr. NITTLE. Would you tell us by what process you acquired citizenship?

Mrs. ROSENBERG. I would like to know, sir, what relevancy that question has to these proceedings.

The CHAIRMAN. It does have because, one——

Mrs. ROSENBERG. Well, would the Chair explain it to me?

The CHAIRMAN. There are various ways of acquiring citizenship—by birth, by naturalization, and so on. It's a perfectly proper question. It's a preliminary question.

Mrs. ROSENBERG. But that is my private affair, I believe, Mr. Chairman, and I have recited I am a citizen. Will you tell me what the relevancy is?

Mr. NITTLE. We have certain information from the official records of the State Department that a Mrs. Louis Rosenberg made an application for a United States passport. We will, in the course of the interrogation, question you about your passport application in relation to the subject of inquiry of this hearing.

In view of the fact that the law of the United States requires that a passport be issued only to a citizen or a person owing allegiance to the United States, it is important to ask, and relevant to the inquiry to know, whether you are, in fact, a United States citizen.

The CHAIRMAN. She said she was. The question is whether it's by derivation, birth, or what.

Mrs. ROSENBERG. I will decline to answer that question on the basis, first, fifth, ninth, tenth amendments to the Constitution of the United States.

The CHAIRMAN. All right. Proceed.

Mr. NITTLE. Would you please relate the extent of your formal education, giving the dates and places of attendance at educational institutions and any certificates or degrees received therefrom?

Mrs. ROSENBERG. I think, Mr. Chairman, all of these questions are in violation of my privacy and I will refuse to answer the question on the grounds previously stated.

The CHAIRMAN. All right. Proceed.

Mr. NITTLE. I understand that among the grounds you have stated is the fifth amendment, is that correct?

The CHAIRMAN. Yes. That is in the record. She has invoked the fifth amendment, among others, so let's go.

Mr. NITTLE. Now, do you believe——

Mrs. ROSENBERG. I think that I am testifying in this matter.

Mr. NITTLE. Do you believe that to tell the committee background information relating to your education would subject you to a criminal prosecution?

Mrs. ROSENBERG. Considering—considering the questions and the purposes as stated here, I will rely on the answer previously given.

Mr. NITTLE. What is your present occupation?

Mrs. ROSENBERG. I am proud to be a member of the bar of the State of California and I practice here, as you well know.

Mr. NITTLE. How long have you practiced law in the State of California?

Mrs. ROSENBERG. I think the records will show, and it is my best recollection, that I was admitted to the bar in approximately 1948.

Mr. NITTLE. How long have you resided in the State of California?

Mrs. ROSENBERG. Mr. Chairman, may I request that I be apprised of the pertinency of that question? I have given all the identification questions now, the answers to those. I think this is an unlawful invasion of my privacy.

The CHAIRMAN. Well, I don't see any invasion, and it's a question of—

Mrs. ROSENBERG. Do you see any pertinency, Mr. Chairman?

The CHAIRMAN. Well, sure. It could be—we are here engaged—and I am glad you are a lawyer—in a hearing involving travel, which necessarily involves citizenship, place of residence, and movement, and so on. So, I think it is pertinent and I—

Mrs. ROSENBERG. But, Mr. Chairman, you are here only for information regarding possible legislation. Now, what possible legislation could one—could this body or my Congress have in mind in determining how long I have practiced law in the State of California. I don't—

The CHAIRMAN. That is not the question.

Mrs. ROSENBERG. I don't see the pertinency.

The CHAIRMAN. That is not the question.

Mrs. ROSENBERG. What is the question before the House?

The CHAIRMAN. What is the question?

Mr. NITTLE. How long has she resided in the State of California?

The CHAIRMAN. How long have you resided in California?

Mrs. ROSENBERG. I take it, Mr. Chairman, that is the same thing.

The CHAIRMAN. All right. I direct you to answer the question.

Mrs. ROSENBERG. What is the question precisely?

Mr. NITTLE. How long have you resided in the State of California?

Mrs. ROSENBERG. My recollection is that I have resided here since approximately 1946.

I am surprised that you don't have this information, Mr. Nittle.

Mr. NITTLE. Mrs. Rosenberg, the Department of State's records indicate that you first made application from your residence at Greensburg, Pennsylvania, for a United States passport on September 20, 1933, to visit for educational purposes, as you stated, the countries of China, Japan, India, Palestine, Hungary, France, Russia, Italy, and England. Pursuant to that application a passport was issued to you on October 7, 1933.

Your last application for renewal of passport was made by you on January 28, 1960, at your residence, 933 Foster Drive, Los Angeles 48, California.

[Boos from audience.]

Mr. NITTLE. In that application you stated that you planned to visit Denmark, Sweden, England, France, Italy, and Israel for a period of approximately 2 years. Your passport, No. 1289787, was renewed pursuant to that application on January 28, 1960.

Are you presently in possession of that passport?

Mrs. ROSENBERG. Would you be good enough to read the question, please?

Mr. NITTLE. The question is, Are you presently in possession of a passport for which you applied on January 28, 1960—

The CHAIRMAN (to spectators). That is enough.

Mr. NITTLE. —and which the official records indicate you received from the United States Government on January 28, 1960?

Mrs. ROSENBERG. Is the suggestion made, Mr. Nittle, that a citizen of the United States may not travel freely?

The CHAIRMAN. The question is absolutely—

Mrs. ROSENBERG. To find out what—

The CHAIRMAN. The question is absolutely proper, and I direct you to answer it.

Mrs. ROSENBERG. I am going to refuse to answer that question, and I am going to refuse to answer that and any question like it for the following reasons: In the first place——

Mr. NITTLE. Now, Mrs. Rosenberg, I don't think you need——

Mrs. ROSENBERG. I am giving my legal reasons in refusing to answer and I am entitled to be heard and I mean to be heard. I will not capitulate to this or any committee whose sole purpose is to abuse the rights of citizens.

The CHAIRMAN. Well, now, nor are we going to stand for this kind of——

Mrs. ROSENBERG. Well, I shouldn't be interrupted when I am giving my legal reasons.

The CHAIRMAN. You are not now giving reasons. And I wish you'd summarize them. You are not going to be permitted to expound a brief, if that is your intention.

Mrs. ROSENBERG. Mr. Chairman, I was subpoenaed here as I am. You take the risk of having people who speak nothing at all or speak at length. That is the risk you take.

The CHAIRMAN. I wish you would speak at length and answer questions. Now you are giving reasons, and we are willing to have them——

Mrs. ROSENBERG. I have the right to give legal reasons, which I am prepared to do.

The CHAIRMAN. Please state them.

Mrs. ROSENBERG. For my rejection and refusal, the rejection of the question and the refusal to answer.

The CHAIRMAN. All right.

Mrs. ROSENBERG. And I state the following, among other legal grounds, for my declination to answer that question: And the first ground is the first amendment, and the first amendment speaks in unequivocal terms. It admits of no exceptions. And it declares with respect to many matters, including travel or political beliefs——

The CHAIRMAN. All right.

Mrs. ROSENBERG. —or political discussions or political advocacy that "the citizens," of which I am one, are sovereign and Congress is merely its agent.

You, indeed, gentlemen, are servants to the public.

The CHAIRMAN. That is an argument, and I don't care for you to go——

Mrs. ROSENBERG. These are my legal reasons, Mr. Chairman. They may not——

The CHAIRMAN. All right. You invoked the privilege of the first amendment.

Mrs. ROSENBERG. You may not be kindly disposed to hearing my rationale, but the courts have uniformly held that the legal reasons for declination to answer are significant and must be heard, and I ask not for your indulgence but for my right.

"It is against," said the Federalist Paper No. 71, "It is against the enterprising ambition of the legislature that the people ought to indulge their jealousy and exercise all their"—"When men govern themselves, it is they and no one else who may pass judgment upon public policies." And that means——

Mr. NITTLE. Mr. Chairman, I do ask that the witness not be permitted to argue.

The CHAIRMAN. Now you, as a witness, have no right to go into a question with lengthy legal argument. It happens that we are lawyers. You are a lawyer. You can invoke, in substance, the provisions of law upon which you rely as a basis for refusal. That is perfectly proper. You have invoked the provisions of the first amendment. Now, you have invoked——

Mrs. ROSENBERG. But there are very many parts to the first amendment, and I think this body and any court should know in what respects I invoke the first amendment.

The CHAIRMAN. Well, I now reject your invocation of the first amendment and order you to answer the question right now at this point.

Mrs. ROSENBERG. And I am answering it, Mr. Chairman, and I am answering it, sir, in a way in which I have a right to do, which is my way. I will not adopt your methods. I am not required to do so. A question was asked of me, and I mean to answer it.

The CHAIRMAN. Yes. The question was asked of you about your travels, and you refuse to talk about them. You want to cloud the issue with side argument.

Mrs. ROSENBERG. And I am telling you why you do not have the right. I am making a record here, if not for this committee, perhaps for a higher body. And I intend not to be found——

The CHAIRMAN. Proceed, but state your reasons.

Mrs. ROSENBERG. I am stating them——

The CHAIRMAN. All right.

Mrs. ROSENBERG. —as clearly as I know how.

There is another great concern—and, gentlemen, you ought to be as interested in it as I—of the first amendment, upon which I decline to answer the question. The right to speak and to assemble is only a part of it, but the need to hear what others say, particularly to hear the unorthodox and dissident view is, as Walter Lippmann, a great person in this country, has put it: “It is an indispensable opposition and it is,” he said, and I am quoting him—

not evidently self-righteous when we argue as if the right of our opponent to speak was something we protect because we are magnanimous or noble. We must hear what the opposition has to say because freedom of discussion clarifies our opinions. So it is that the liberties of other men become our own vital necessity, and when I plead for this, I plead for the basic concerns of our country, that people may speak and people may hear in order properly to operate as part of an electorate.

The CHAIRMAN. Now, again, I reject your invocation of the first amendment as the basis for refusal to answer your question.

And I now ask you, Do you invoke the privilege of the fifth amendment?

Mrs. ROSENBERG. I decline to answer that question on this further ground.

The CHAIRMAN. Then I direct you to answer the question.

Mrs. ROSENBERG. Very well. I decline to answer that question, indeed, on the basis of the fourth and the fifth amendments, and there is a very close unity, Mr. Chairman——

The CHAIRMAN. All right. Your invocation on the basis of the fifth amendment is sustained.

Ask the next question.

Mr. NITTLE. Now, Mrs. Rosenberg—

Mrs. ROSENBERG. You are not aware, Mr. Chairman, of what section of the fifth amendment I am relying on. I want no mistake.

The CHAIRMAN. Ask the next question.

Mrs. ROSENBERG. I want no mistake and I challenge this committee on that point—that unless I have an opportunity to spell out my reasons on the basis of the fifth, I may well put my liberty in jeopardy.

The CHAIRMAN. Well, will you state it?

Mrs. ROSENBERG. I must state in absolute clarity—

The CHAIRMAN. All right.

Mrs. ROSENBERG. —what portion of the fifth amendment I seek to invoke.

The CHAIRMAN. Well, all right. Now, state it clearly.

Mrs. ROSENBERG. And I am saying that the very origin of the privilege of the fifth amendment is not to be compelled to be a witness against oneself and has a long and honorable history, gentlemen, dating back to the time of Jesus. May I—

The CHAIRMAN. Now—

Mrs. ROSENBERG. May I tell you the story of Jesus?

The CHAIRMAN. Now, I have sustained your invocation of your right to invoke the fifth amendment, and that ends it, and now I will not permit any further discussion on it.

Ask the next question.

Mrs. ROSENBERG. I think it is immoderate, Mr. Chairman—

The CHAIRMAN. I rule in your favor, and you still want to debate. Now, we don't need that.

Mrs. ROSENBERG. No, Mr. Chairman, and I want the people of the United States to know how honorable the fifth amendment is.

The CHAIRMAN. Ask your next question.

Mrs. ROSENBERG. And why I invoke it with honor.

The CHAIRMAN. Ask your next question.

Mr. NITTLE. Mr. Marshall, as counsel for Mrs. Rosenberg, may I request that you caution her and control your client?

The CHAIRMAN. She is a lawyer herself.

Now, I am telling you, ask the next question.

[Applause.]

The CHAIRMAN. Now, wait, you people back there. I am not going to stand for that emotionalism on either side.

Mr. MARSHALL. Replying to committee counsel's request of me, may I say that I find no grounds for cautioning the witness.

Mr. NITTLE. Mrs. Rosenberg, the committee's investigation has indicated—

Mrs. ROSENBERG. I'm sorry, I didn't hear that.

Mr. NITTLE. The committee's investigation indicates that you traveled from Mexico to Cuba by Cubana Airlines on April 6, 1962, and that you returned to the United States from Cuba in May 1962.

Did you visit Cuba at that time?

Mrs. ROSENBERG. You know, Mr. Nittle, today, when the farthest neighbor of ours is less than a day's journey away—

Mr. NITTLE. No, without argument. Now, just a minute. Without argument, Mrs. Rosenberg, will you at least tell us whether you will answer the question?

Mrs. ROSENBERG. I am answering the question. You must be patient with me.

Mr. NITTLE. Will you answer it then, please?

Mrs. ROSENBERG. I have been very patient with this committee.

Mr. NITTLE. After you have answered the question, we will hear your argument.

Mrs. ROSENBERG. I have been subpoenaed before this committee twice already, as you well know. I have been——

The CHAIRMAN. That is an argument. Now answer the question, please.

Mrs. ROSENBERG. I think that is the right of every citizen, nay the duty of every citizen, to travel and to learn the truth.

The CHAIRMAN. You are not answering the question. I direct you to answer the question.

Mrs. ROSENBERG. I will answer. And I will answer it by saying that it is no proper concern of this committee when a citizen, any citizen, goes anywhere, Cuba included, to find the truth.

Mr. Willis, now I say this——

The CHAIRMAN. Now I don't want any argument. You are refusing to answer the question?

Mrs. ROSENBERG. I am refusing to answer it and I will give my reasons.

The CHAIRMAN. Will you state them?

Mrs. ROSENBERG. Yes. But, Mr. Willis, you know as well as I do that the newspapers very often do not give accurate reports. For example, that I meant——

The CHAIRMAN. That has nothing to do with the question.

Mrs. ROSENBERG. I want part of the electorate——

The CHAIRMAN. She has not answered the question, and I have directed her to do it. Ask the next question.

Mrs. ROSENBERG. I intend to answer it, and I will invoke all of the privileges of the Constitution afforded to me in refusing to answer that question, including the first and the fifth and the ninth and the tenth.

The CHAIRMAN. Next question.

Mr. NITTLE. It is the committee's information that you visited Cuba at that time in the company of Jean Kidwell Pestana, an attorney in the Los Angeles area.

Did you travel to Cuba in April and May of 1962 in the company of Jean Kidwell Pestana?

Mrs. ROSENBERG. I told you at the beginning that you were after finding out with whom I associate and where I go and what I think, and this is not properly the province of your inquiry.

The CHAIRMAN. I direct you to answer the question.

Mrs. ROSENBERG. And I intend to answer it in the way I understand it should be answered.

The CHAIRMAN. Ask the next question, Mr. Counsel.

Mrs. ROSENBERG. I decline to answer that question——

Mr. NITTLE. It is the committee's further information——

The CHAIRMAN. Wait. She's declining.

Mrs. ROSENBERG. And I decline to answer it because, as Bernard DeVoto, a great man, said, "It is none of anyone's damn business with whom I speak, with whom I have cocktails," and if he were alive today would say, "Where I travel"; and I concur in that opinion.

The CHAIRMAN. All right. She has not invoked the fifth amendment.

Mrs. ROSENBERG. I have invoked both the first and the fifth. If you were listening you would have heard that.

[Laughter.]

The CHAIRMAN. Ask the next question.

Mr. NITTLE. It is the committee's information, based largely upon an examination of the official records of the State Department, that at the time of your travel to Cuba you did not then possess a U.S. passport specifically endorsed for travel to Cuba, as required by law.

If this information is not correct, or should you have any explanation to offer, the committee would be pleased to have it.

Mrs. ROSENBERG. I think there are explanations to offer, and the explanation I have to offer is that when there are serious considerations of peace that are involved, the people should get the facts.

The CHAIRMAN. I direct you to answer the question.

Mrs. ROSENBERG. And people should go wherever those facts are revealed.

The CHAIRMAN. I direct you to answer the question.

Mrs. ROSENBERG. I will decline to answer the question, as I indicated earlier I would decline to answer any question relating to my private——

The CHAIRMAN. For the reasons previously stated, is that the idea?

Mrs. ROSENBERG. Do you want to take the stand, sir, and testify in my place?

The CHAIRMAN. I want to proceed with the hearing and that I intend to do.

Mrs. ROSENBERG. Well, I take umbrage to the method in which this chairman is conducting this hearing and not permitting the witness to invoke the constitutional privileges in a way that this witness sees fit, which I do now invoke.

The CHAIRMAN. All right, proceed.

Mrs. ROSENBERG. And I do it with honor and with pride in order to preserve those——

The CHAIRMAN. Proceed.

Mrs. ROSENBERG. Someday you may need to invoke these constitutional privileges——

The CHAIRMAN. Proceed.

Mrs. ROSENBERG. — and obtain sanctuary.

The CHAIRMAN. Proceed. Ask the question.

Mr. NITTLE. Mrs. Rosenberg, I hand you a copy of a report titled, "2 Cuba visitors to report on trip," marked for identification as "Rosenberg Exhibit No. 1," which appeared at page 3 of the West Coast Communist publication, *People's World*, on June 2, 1962.

That exhibit reads as follows:

LOS ANGELES—The Los Angeles Committee for Medical Aid to Cuba will hold its first public meeting on Wednesday, June 6, 8 p.m. at Channing Hall, 2936 West 8th street.

Feature of the evening will be a report by Attorneys Jean Kidwell Pestana and Rose Rosenberg on their one-month visit to Cuba during April and May of this year. * * *

I also hand you a copy of a notice, marked for identification as "Rosenberg Exhibit No. 2," which appeared on page 11 of the pro-Communist *National Guardian* of June 4, 1962. Under the heading,

"CALENDAR," subheading, "LOS ANGELES," the notice as follows appeared:

MEDICAL AID TO CUBA L.A. Committee, invites you to its first meeting, Wed., June 6, at 8 p.m., Channing Hall, 2936 W. 8th. Attorneys Rose Rosenberg and Jean Kidwell Pestana report with slides on their April-May visit to Cuba. Don. \$1.

Are you not the Rose Rosenberg to whom reference is made in Exhibits 1 and 2?

Mrs. ROSENBERG. It's interesting that my good money and my good time is spent by this committee in quoting newspaper articles about people.

As I initially said——

The CHAIRMAN. I direct you to answer.

Mrs. ROSENBERG. All those items protected by the first amendment——

Mr. TUCK. Just wait one moment.

Mr. Chairman, we have been subjected to stump speeches here all morning. I respectfully request you to direct the witness to answer the question and submit any legal ground she may have for not answering, but to desist from making these stump speeches.

The CHAIRMAN. I direct you to answer the question. It's a simple question.

Mrs. ROSENBERG. Mr. Chairman, I come from a long line of people who are enured to suffering and——

The CHAIRMAN. Ask the next question and [to reporter] take the question down. Listen to him.

Mrs. ROSENBERG. —and I decline to answer all the questions put to me with regard to all——

Mr. NITTLE. Mrs. Rosenberg——

Mrs. ROSENBERG. —due to the rights preserved to me under the first amendment and the fifth amendment, and I invoke those here.

(Documents marked "Rosenberg Exhibits Nos. 1 and 2," respectively, and retained in committee files.)

The CHAIRMAN. Proceed. Next question.

Mrs. ROSENBERG. As my people have been required to do through their long and tragic history.

Mr. NITTLE. The committee's investigation——

The CHAIRMAN (to reporter). Take his question.

Mr. NITTLE. —discloses that you and Jean Kidwell Pestana, in fact, appeared in person at the scheduled meeting of the Los Angeles Committee for Medical Aid to Cuba on June 6 at 8 p.m. in the Severance Room of the First Unitarian Church at 2936 West 8th Street, Los Angeles; that a report on your Cuban trip was delivered there; and that there was a showing of slides illustrating Cuban events.

Although the initial advertisement in Exhibits 1 and 2 indicated you would speak at Channing Hall, Channing Hall is, in fact, on the premises of the First Unitarian Church; is it not?

Mrs. ROSENBERG. I think you have all the information and you don't need it from me, and I'm going to refuse to answer any questions propounded on the basis of this inquiry or this subject or any other before this body, and I—and I properly and proudly invoke the constitutional amendments, including the first and the fifth and the ninth and the tenth.

Mr. NITTLE. Well, we are interested in determining whether the information we have is correct.

Now, you said we had the information. Is this information correct?

Mrs. ROSENBERG. Same question, same answer.

The CHAIRMAN. Next question.

Mr. NITTLE. We understand that there were approximately 200 people in attendance at the meeting in the First Unitarian Church and that an admission fee of \$1 per person was charged.

Did you personally receive the proceeds from that collection?

Mrs. ROSENBERG. If there were 200 people there who learned a little bit about Cuba, you should be happy they did so. And I refuse to answer that question on the grounds previously stated.

The CHAIRMAN. Next question.

Mr. NITTLE. Do you know what disposition was made of the money collected at the meeting?

Mrs. ROSENBERG. I refuse to answer that question as well as all others like it, but I certainly hope that there is sufficient humanity left——

The CHAIRMAN. Next question.

Mrs. ROSENBERG. —to help people everywhere——

Mr. NITTLE. Now, the meeting——

Mrs. ROSENBERG. —in their needs for medicine and food.

Mr. NITTLE. —at which you spoke was apparently sponsored by the——

Mrs. ROSENBERG. Under the first and fifth amendments, I refuse to answer that question.

Now, is there a question before me?

The CHAIRMAN. No.

Mr. NITTLE. I am about to propound one.

Was not the Medical Aid to Cuba Committee, under whose sponsorship you apparently spoke, understood by you to be a Communist created and controlled enterprise?

Mrs. ROSENBERG. You are asking for my opinion, and I will give it.

Mr. NITTLE. I am asking you for your knowledge.

Mrs. ROSENBERG. I will give you knowledge that I have; and the knowledge that I have is that this committee and you, Mr. Nittle, would better serve the American public if you were to investigate really meaningful occurrences, things that are going on in the South and our chairman's community——

Mr. NITTLE. I am sure that your going to Cuba was a meaningful occurrence.

The CHAIRMAN. I direct you to answer the question.

Mrs. ROSENBERG. And for that reason and others I invoke the first and fifth amendments, and I am proud to do so.

Mr. NITTLE. Did you visit in Cuba, and engage in speaking activities on its behalf, for the purpose of influencing the public within the United States with respect to the political interests or policies of the Cuban Communist regime?

Mrs. ROSENBERG. Are you finished with your question, Mr. Nittle?

Mr. NITTLE. Yes.

Mrs. ROSENBERG. You know there was a time, Mr. Nittle, when the word "Communist" thrown around by this committee would have frightened the wits out of everyone, and that was during the McCarthy

era, both of which—both McCarthy and the era—fortunately, are now past.

Mr. NITTLE. Mrs. Rosenberg, you and I can't engage in a chat here.

Mrs. ROSENBERG. And you are reactivating that concept of inculcating the fear by throwing words.

The CHAIRMAN. I direct you to answer the question.

Mrs. ROSENBERG. And I will refuse to answer that and every question and for the same honorable reasons.

The CHAIRMAN. Proceed with the next question.

Mrs. ROSENBERG. And some day you will understand the true meaning—

Mr. NITTLE. Are you a member of the Los Angeles chapter of the Fair Play for Cuba Committee?

Mrs. ROSENBERG. I think fair play is in the good tradition of the United States.

The CHAIRMAN. Are you a member of it?

Mr. NITTLE. I take it you are a member there?

Mrs. ROSENBERG. I refuse to answer that question and I so—

Mr. NITTLE. For the same reason?

Mrs. ROSENBERG. Do you want to know why, Mr. Chairman? I have a right to invoke it and I do on the grounds of the first and the honorable fifth, which people, because of their struggles—

The CHAIRMAN. Next question.

Mrs. ROSENBERG. —have kept intact for us to use.

Mr. NITTLE. Are you a member of Women Strike for Peace?

Mrs. ROSENBERG. What is the question?

Mr. NITTLE. Are you a member of Women Strike for Peace?

Mrs. ROSENBERG. Peace? I remember when I was out—passing out—

Mr. NITTLE. Mr. Chairman, I ask that the witness be directed to respond directly to the question.

The CHAIRMAN. I direct you to answer the question.

Mrs. ROSENBERG. And if this committee had its way, it would still be so, and I decline to answer because I think "peace" is a wonderful word and we should all be exerting all our energies in advancing the cause of peace.

The CHAIRMAN. All right. And I—

Mrs. ROSENBERG. And I know you called the Women's Strike for Peace before you. Why? Because they were working for peace. You are against peace and against—

The CHAIRMAN. You have been directed to answer the question.

Mrs. ROSENBERG. And I have refused to do so on the grounds previously set forth.

Mr. NITTLE. All right. Did you travel to Cuba, then engage in speaking activities upon your return, and are you engaging in such activities as have been related in connection with the Fair Play for Cuba Committee and Women Strike for Peace, while under the discipline of the Communist Party?

The CHAIRMAN. Well, proceed with the next question.

[Laughter.]

The CHAIRMAN. Now, I am not going to stand for this emotional outburst. I have said it twice, and I propose to enforce the rules of this committee. You are here as our guests. We are glad to have you,

all of you. But we are to conduct this hearing with dispatch and with as much dignity as the Lord has given us.

Now, I do not want, and will not tolerate, emotional outbursts, whether for or against any particular view or witness. I hope you don't make me enforce that rule, but, believe me, it will be enforced if abused, meaning that those who are guilty of that will have to be ejected from the room.

Mr. NITTLE. Did you, Mrs. Rosenberg, engage in such activities as we have mentioned—

Mrs. ROSENBERG. I think that question is not clear.

Mr. NITTLE.—while under discipline of the Communist Party?

Mrs. ROSENBERG. In the great tradition of HUAC, which is the House Un-American Activities Committee—that is the word we use, Mr. Chairman, among ourselves, those of us who seek to abolish this committee, and the sooner the better—this is the type of question that this committee flourishes with.

The CHAIRMAN. I direct you to answer the question.

Mrs. ROSENBERG. I will refuse to answer that question.

The CHAIRMAN. All right, next question.

Mrs. ROSENBERG. And I will refuse to answer it—

The CHAIRMAN. I understand the basis of your refusal. I am not being contentious.

Mrs. ROSENBERG. I want the record to be clear, Mr. Chairman.

The CHAIRMAN. All right.

Mrs. ROSENBERG. I am not trusting of this committee, frankly.

The CHAIRMAN. All right.

Mrs. ROSENBERG. The whole concept of this committee is rooted—

The CHAIRMAN. Next question.

Mr. NITTLE. Now, in the year 1952, Mrs. Rosenberg—

Mrs. ROSENBERG. The first and fifth are the amendments to the Constitution I here invoke.

Mr. NITTLE. —the committee received testimony relating to communism in Los Angeles professional groups.

On January 24, 1952, the committee received the testimony of Mr. A. Marburg Yerkes, who testified that he was a practicing lawyer in the city of Los Angeles and became a member of the Communist Party in the early part of 1946, withdrawing from it in the winter of 1948-49. He testified that he became a member of a group or cell of the Communist Party of the Los Angeles area which was limited to members of the legal profession and that, during the course of his membership in the professional group of the Communist Party, he was instructed to become active in the National Lawyers Guild.

He testified further, as did other witnesses in the course of the hearings, that the Los Angeles Chapter of the National Lawyers Guild included about 150 lawyers and, of this group, he knew approximately 30 such members as Communist Party members, some of whom occupied leadership positions in the organization and controlled its activities. Among those whom he identified as in attendance with the Communist group was Rose Rosenberg.

Were you correctly identified by Mr. Yerkes as a member of the Los Angeles professional unit of the Communist Party?

Mrs. ROSENBERG. To answer that question, Mr. Chairman, would be to dishonor every tradition of my religion and of the deepest concepts of the religion ever—

The CHAIRMAN. I direct you to answer the question.

Mrs. ROSENBERG. I refuse to answer that question because to do so would, in my opinion, degrade me. To think that all this committee can do is to have stool pigeons——

Mr. NITTLE. Are you a member of the Los Angeles——

Mrs. ROSENBERG. And I invoke my privileges——

Mr. NITTLE.—chapter——

Mrs. ROSENBERG.—of the first and of the fifth amendment to the Constitution of the United States.

The CHAIRMAN. Next question.

Mr. NITTLE. Are you, Mrs. Rosenberg, a member of the Los Angeles Chapter of the National Lawyers Guild?

Mrs. ROSENBERG. However honorable a body it is, I would not take the risk of exposing it to your machinations and, on that basis and upon other grounds previously stated, including the first and fifth, I will tell you nothing.

The CHAIRMAN. Next question.

Mr. NITTLE. I have before me the Fall 1957 issue of the *Lawyers Guild Review*, a publication of the National Lawyers Guild. On page 118 it appears that, on the occasion of certain recent United States Supreme Court decisions, the New York City Chapter of the Lawyers Guild announced a banquet in honor of those members who contributed in the courts “to the defense of the Bill of Rights.”

Among the guests of honor thus honored appears the name “Rose Rosenberg, California.”

I hand you a copy of that exhibit [marked for identification as “Rosenberg Exhibit No. 3”] and ask whether you are the Rose Rosenberg whose name as a guest of honor appears in that exhibit?

Mrs. ROSENBERG. Mr. Chairman, I am proud to say that I have on many occasions, but not enough occasions, defended the Bill of Rights. And I do that in this room today. And you gentlemen should be down defending the Constitution in the South where there are beatings and lynchings, where there is death——

The CHAIRMAN. I direct you to answer the question.

Mrs. ROSENBERG. And I will refuse to answer, as you well know, but I am here to tell you——

(Document marked “Rosenberg Exhibit No. 3” and retained in committee files.)

The CHAIRMAN. Next question.

Mr. NITTLE. There are no further questions.

The CHAIRMAN. No further questions.

The witness is excused.

Mrs. ROSENBERG. I don't think, Mr. Chairman, I had the opportunity to invoke the privileges of the Constitution which I have defended, and will continue to defend, and particularly the first and fifth amendments in the great tradition of lawyers and participating citizens everywhere.

The CHAIRMAN. The witness is excused.

The committee will stand in recess for 5 minutes.

(Whereupon, at 11:30 a.m., the subcommittee recessed until 11:50 a.m. of the same day.)

The CHAIRMAN. The subcommittee will please come to order.

It was necessary during the short recess we took for the subcommittee to consider something in executive session. and I didn't realize that time was running so short on us.

It is now 5 minutes to 12, and I am told that we have an engagement at 12 o'clock, so I regret to have had you sit down. I didn't know it was that close to 12. And so the subcommittee will stand in recess until a quarter to 2, which means we probably will have to have a longer session this afternoon.

(Whereupon, at 11:55 a.m., Monday, July 1, 1963, the subcommittee recessed, to reconvene at 1:45 p.m. the same day.)

AFTERNOON SESSION—MONDAY, JULY 1, 1963

(The subcommittee reconvened at 1:45 p.m., Hon. Edwin E. Willis, chairman, presiding.)

Members present: Representatives Willis, Tuck, and Johansen of the subcommittee, and also Representative Ashbrook.

The CHAIRMAN. The subcommittee will please come to order.

It's pretty difficult to accommodate everybody in a hearing of this kind. Mr. and Mrs. Randolph's lawyer said that they have two children with them here today from out of town. They had been scheduled to appear tomorrow instead of today. I don't know them and I accept their lawyer's word. This may be inconveniencing somebody else. I hope not. But, anyway, I told them I'd do the best I can.

So, Mr. Nittle, I wish you would call as your first witness this afternoon one or the other. I don't know in which order you want them.

Mr. NITTLE. Right, sir.

Would Robert Eugene Randolph please come forward?

The CHAIRMAN. Will you please raise your right hand?

Do you solemnly swear that the testimony you are about to give before this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RANDOLPH. I do.

The CHAIRMAN. Proceed, Mr. Nittle.

Mr. NITTLE. Yes, sir.

TESTIMONY OF ROBERT EUGENE RANDOLPH, ACCOMPANIED BY COUNSEL, HUGH R. MANES

Mr. NITTLE. Would you state your full name and residence for the record, please?

Mr. RANDOLPH. My name is Robert Eugene Randolph, and my residence is at 4086 Second Avenue, Sacramento.

Mr. NITTLE. Are you represented by counsel?

Mr. MANES. Yes. My name is Hugh Manes. I am an attorney and practicing at 1680 North Vine Street, Hollywood, California.

Mr. RANDOLPH. If I may, Mr. Counsel, I would like to make a request at this point, or should I address the question to the chairman, Mr. Willis?

Mr. NITTLE. Would you address it to the chairman, Mr. Willis.

Mr. RANDOLPH. May I?

The CHAIRMAN. Yes.

Mr. RANDOLPH. I would like to at this point ask for an executive session on the ground that the nature of the questioning is of a private sort, dealing with personal affairs, personal views, personal opinions, personal activities, which, in the large sense, leads most of all

to a sort of public scorn, the kind of tendentious slander that is implied in so much of what is asked that public obloquy results, and I here again wish to request an executive session.

In so requesting, may I bring to your attention, as an illustration of just what I mean, the fact that this morning the witness had identified herself by name and by an address that was more than sufficient as to where she can be reached. However, Mr. Nittle, the counsel, gratuitously introduced into the record her personal address, in spite of the reservations and the protest that she had indicated in this regard.

Also, one final thing, this request has been made by me before, both in writing and orally, and by Mr. Wirin on my behalf.

The CHAIRMAN. Well, your application for quashing the subpoena and for being heard in executive session was received in Washington before we came here, and so the full committee had an opportunity to consider it, and we did consider the application of both you and your wife, and after full consideration it was rejected.

Obviously, you base—you must base your motion on some point of law or rule, and the rule that you mentioned in your letter was rule 26—I mean subsection 26(m) of Rule XI of the House. Rules of the House are binding on all committees and subcommittees.

As I indicated this morning, someone is misinterpreting the rules of the House. That rule has no application to you as a witness. It would apply to a third party whom a witness on the stand might mention during the course of his testimony.

You were here this morning, were you not, when I ruled on this same issue with reference to the lady whom you just named?

Mr. RANDOLPH. Yes, I was. But—

The CHAIRMAN. Well, for the reason of the inapplicability of the rule you rely on and for the other reasons already in the record, which I need not repeat since you heard them, the motion is denied.

Mr. RANDOLPH. May I—

The CHAIRMAN. Proceed.

Mr. RANDOLPH. May I make one final comment, Mr. Chairman, that the—

Mr. CHAIRMAN. Not unless you have another motion to make. If you want to argue it, we have courts, you have lawyers, and all that.

Mr. NITTLE. Mr. Randolph, would you state the place and date of your birth, please?

Mr. RANDOLPH. What is the relevancy of the question?

Mr. NITTLE. The official records indicate, Mr. Randolph, that a person bearing the name of Robert Eugene Randolph has made application for a passport. It is important in the committee's investigation to determine whether you are the Randolph who made that application. It would be a means of ascertaining your identification to know what your birth date was and your place of birth.

The CHAIRMAN. And besides, it's a usual preliminary question of identification asked of witnesses before all committees and all courts.

Mr. RANDOLPH. My birth date was the 14th of October, 1920.

Mr. NITTLE. And would you state the place of your birth?

Mr. RANDOLPH. I was born right here in Los Angeles.

Mr. NITTLE. Would you relate to the committee the extent of your formal education, giving the dates and places of attendance at educational institutions and any degrees or certificates received?

Mr. RANDOLPH. Once again I must ask, What is the relevancy of this question?

The CHAIRMAN. The question—the same answer applies here as to the other one. It's identification and for purposes of the record and the scope of the hearings.

Mr. NITTLE. May I also add, Mr. Chairman, for the benefit of the witness—

The CHAIRMAN. Oh, we are not going to lose time with things that way.

I order you to answer the question. We have got to move and we will move, too.

Mr. RANDOLPH. I was educated in the public schools in the State of California. I hold a bachelor's degree and a master's degree.

Mr. NITTLE. Would you tell us what were the years of your attendance in the public schools and what public schools you attended?

Mr. RANDOLPH. I must have begun my public school education in about 1925 and completed high school in 1937.

Mr. NITTLE. Where was the place of your attendance at school?

Mr. RANDOLPH. I decline to answer this question on the following grounds—and I have prepared for myself, with the help of my attorney, a memorandum so that I can stipulate to you the statements that the answer to this question—that I wish you to have:

First, the mandate of this committee, on its face and as applied, transgresses on the first amendment right of all citizens to freedom of expression, association, and press and to petition the Government for a redress of grievances.

Second, the mandate of this committee is so broad and vague that it does not provide adequate standards for determining the constitutional limits of its authority, with the result that it leaves the scope of its inquiry to the whim of its members, while depriving the citizen of fair notice of the relevancy or propriety of its inquiry.

Third, the announced subject matter of this investigation impinges upon the people's freedom to travel and to become informed and enlightened in order to more effectively govern themselves.

This investigation constitutionally arrogates to Government a right retained exclusively by citizens to go and see what, when, and where they please and, most importantly, this investigation has the purpose and effect of abridging the right of citizens to seek and discover for themselves the truth concerning conditions and events in other lands, and making their own choices as to what ideas or conditions found there, if any, will be useful in promoting their own destiny, a determination which the Constitution vests in the people and not in the Government.

Fourth, the question asked is not pertinent or relevant to the subject under investigation nor to the purported authority of this committee.

Fifth, the publication of my name in advance of this hearing is in violation of Rule XVI of this committee and is a violation of my right of privacy as guaranteed by the first, fourth, and fifth amendments to the United States Constitution and deprives this committee of any jurisdiction to conduct further inquiries of me.

Sixth, the failure and refusal of this committee to conduct this inquiry in executive session, as I have heretofore requested, both by letter and orally, violated Rule XI, section 26(m), of this committee's

mandate in that, among other things, the questions asked, and to be asked of me, seek evidence and testimony which tend or may tend to defame me and because this public hearing has no legitimate legislative purpose, but is designed and tends to expose me to recrimination of various kinds and to hold witnesses and their ideas up to public obloquy, and further infringes upon the constitutional rights of privacy, all this in violation of the first, fourth, and fifth amendments to the Constitution.

Seventh, this subcommittee is illegally constituted and without jurisdiction to conduct these proceedings for lack of a quorum as required by rule 26(h), in that two of its members represent States which deny to and abridge the franchise of its Negro inhabitants, which States have not been, and are not now, duly and lawfully apportioned in accordance with section 2 of the fourteenth amendment to the Federal Constitution.

Eighth, the question compels me to testify against myself in violation of the fifth amendment of the United States Constitution.

The CHAIRMAN. Proceed, Counsel.

Mr. NITTLE. The committee has information that you received your master's degree in economics from the University of California. Is that correct?

Mr. RANDOLPH. Counsel asks this question knowing full well to the basis of the statement I have—the answer I have just completed, that I will decline to answer this on those same grounds.

Mr. NITTLE. The records in the file of the Department of State indicate that on January 6, 1961, at San Francisco, you applied for a United States passport stating that you desired to visit England, France, and Sweden for the purpose of pleasure and that you proposed to depart for those countries from New York or San Francisco about June 1961.

The official records in the Department of State indicate that, pursuant to that application, on the very same date a United States passport numbered B-094890 was then issued to you.

Are you presently in possession of that passport?

Mr. RANDOLPH. I decline to answer this question on the grounds previously enumerated.

Mr. NITTLE. Did you at the time of filing your application for a United States passport intend to travel to Cuba?

Mr. RANDOLPH. I decline to answer this question also on the grounds previously enumerated.

Mr. NITTLE. Have you at any time since the receipt of your passport visited England, France, or Sweden, the countries set forth in your application as places you intended to visit?

Mr. RANDOLPH. I decline to answer on the grounds previously stated.

Mr. NITTLE. Did you at any time on or after January 16, 1961, apply to the Department of State for a validation of your passport for travel to Cuba?

Mr. RANDOLPH. I decline to answer this question on the same grounds.

Mr. NITTLE. Were you aware in March 1961 that such an endorsement was required for travel to Cuba?

Mr. RANDOLPH. I decline to answer on the grounds previously stated.

Mr. NITTLE. It is the committee's information, Mr. Randolph, that you did not after January 16, 1961, at any time apply to the Department of State for a validation of passport for travel to Cuba. Is that information correct?

Mr. RANDOLPH. I decline to answer on the grounds previously enumerated.

Mr. NITTLE. Did you at any time after the receipt of your passport on January 6, 1961, travel to Cuba?

Mr. RANDOLPH. I decline to answer on the grounds previously stated.

Mr. NITTLE. Mr. Randolph, I am having Mr. Wheeler pass to you a photostatic copy of page 3 of the official Communist publication, *People's World*, for April 29, 1961, which is marked for identification as "Robert Randolph Exhibit No. 1."

I direct your attention to an article appearing therein under the by-line of Nancy Scott, titled, "Rally in the rain against intervention." The article describes a protest meeting, or demonstration, in which 600 persons gathered at the Civic Center plaza in San Francisco to hear speakers from the Fair Play for Cuba urging "Hands off Cuba" and "No intervention in Cuba!" You are noted as participating in the rally with the reading of a poem and you are described as a "recent traveler to Cuba."

Are you not the Bob Randolph to whom reference is made in that article?

Mr. RANDOLPH. I decline to answer on the grounds previously stated.

(Document marked "Robert Randolph Exhibit No. 1" and retained in committee files.)

Mr. NITTLE. Mr. Randolph, it is the committee's information that you and your wife, Valeda Bryant Randolph, left Mexico City on March 13, 1961, to visit Cuba as guests of the Cuban Government.

Did you personally visit Cuba and leave from Mexico City for that purpose on March 13, 1961?

Mr. RANDOLPH. I decline to answer this question on the grounds previously stated, plus the additional reason that I invoke the husband-and-wife privilege as guaranteed by Rule XII of the rules of the committee, as well as by Federal statute.

Mr. NITTLE. Well, now, I haven't asked you—

The CHAIRMAN. Wait a minute. There is no question asked you concerning your wife or in the sense indicated, and let me say that I know that rule and we respect it in all instances. There is no effort to violate that rule on your privilege, I assure you of that. And I don't think the question has any such import.

Mr. NITTLE. No, sir.

The CHAIRMAN. So proceed with it.

Mr. NITTLE. The question is: Did you personally visit Cuba in March 1961?

Mr. RANDOLPH. I decline to answer on the grounds previously stated.

Mr. NITTLE. It is the information of the committee that while in Mexico, prior to your visit to Cuba, you attended what has been referred to as the Mexican Peace Conference¹ which took place in Mexico on March 5 to 8, inclusive.

¹ Latin American Conference for National Sovereignty, Economic Emancipation and Peace, Mexico City, March 5-8, 1961.

Did you attend the Mexican Peace Conference March 5 to 8, 1961?

Mr. RANDOLPH. What is the pertinency of this question to the subject, as the stated subject matter under inquiry?

Mr. NITTLE. It is evidence which would corroborate your presence in Mexico at a time on or about your leaving there for a visit to Cuba. It is also relevant to show the purposes and circumstances of your visit to Cuba—to Mexico, and thereafter to Cuba.

Mr. RANDOLPH. Would you repeat the question? There is a bit of confusion at the end there.

Mr. NITTLE. Yes. Did you, while in Mexico, attend the Mexican Peace Conference for the period March 5 to March 8, 1961, in Mexico?

Mr. RANDOLPH. You, in commenting on the relevancy of the question in your explanation, this is where the confusion lay.

Would you be kind enough to repeat it, your responses to my question regarding the relevancy?

Mr. NITTLE. Yes. I stated that it was the committee's information that you were present in Mexico in March 1961 and that on March 13, 1961, you left Mexico for Cuba.

Now, the pertinency relates to your presence in Cuba—in Mexico at that time.

[Laughter.]

Mr. RANDOLPH. Would you start again, because again I don't know which you mean?

The CHAIRMAN. I direct you to answer that question. You are pussyfooting.

[Laughter.]

Mr. RANDOLPH. I don't think this is pussyfooting, Mr. Chairman.

The CHAIRMAN. Well, I direct you to answer the question.

Mr. RANDOLPH. I have been asked a question and I have asked for its relevancy, and counsel, on two occasions——

The CHAIRMAN. Ask the next question.

Mr. RANDOLPH. —has very confusing responses, and I invoke all the grounds for not responding that I previously enumerated.

The CHAIRMAN. Let me say this: I didn't mean that——

Mr. RANDOLPH. He says Mexico; he says Cuba. What does he mean?

The CHAIRMAN. Well, for myself, personally, I regret I used that word because I never do.

But let me say this: After all, we were mighty courteous to you and your wife and your children to call you here. Now, I am not saying you should cooperate with this committee. You have a right to invoke all your rights; but if you say you are in a hurry to go back home, you can accommodate yourself by at least answering the questions or refusing to answer them without delay.

Proceed, Mr. Nittle.

Mr. NITTLE. Mr. Randolph, I now hand you a photostatic copy of page 11 of the Communist *People's World* dated May 13, 1961. It is marked for identification as "Robert Randolph Exhibit No. 2."

I direct your attention particularly to the column marked "What's On" and under the subheading "EAST BAY" there appears an announcement that Robert and Valeda Randolph of Berkeley will deliver an eyewitness report on Cuba and Latin America. It is stated in the

course of this report that you will give details of the "great Latin American conference for peace and independence in Mexico City." Chairman for the evening is stated to be Paul Heide, H-e-i-d-e, of Warehouse Union Local 6, who is described as its business agent.

It is set forth that that meeting will be held at the "United Nations Hall, 160 Grande Avenue," in Oakland, on Friday, May 19, 1961, under the auspices of the Supporters of National Guardian described as SONG, S-O-N-G, which are the initials of this group.

Are you not the Robert Randolph of Berkeley to whom reference is made in this exhibit?

Mr. RANDOLPH. May I say first that it is pronounced Berkeley?

[Laughter.]

Mr. RANDOLPH. And next that I decline to answer on the grounds previously stated.

Mr. NITTLE. Was the Mexican Peace Conference understood by you to be a Communist-sponsored meeting?

Mr. RANDOLPH. I decline to answer on the grounds previously stated.

(Document marked "Robert Randolph Exhibit No. 2" and retained in committee files.)

Mr. NITTLE. Mr. Wheeler will hand you now a photostatic copy of a flier or advertisement marked for identification as "Robert Randolph Exhibit No. 3."

This flier announces your scheduled appearance at the United Nations Hall, Oakland, on Friday, May 19, 1961, to which reference was made in the *People's World*, Exhibit No. 2 previously handed to you.

Exhibit 3 likewise reports you as being in attendance at the Mexico City conference "for independence and peace" on March 5 through 8 and also sets forth that you were present in Cuba from March 13 to April 3.

Did you make this information available to those who prepared the flier?

Mr. RANDOLPH. I would like to say, first, to bring to your attention regarding this exhibit, Mr. Nittle, that nowhere on it does it show a year. It shows months and days, but nowhere on it does it show a year, whether it's 1960 or 1961 or 1955.

Mr. NITTLE. Well, let me ask you, Was it not, in fact, disseminated in the year 1961 and prior to May 19, 1961?

Mr. RANDOLPH. I decline to answer on the grounds previously stated.

(Document marked "Robert Randolph Exhibit No. 3" follows.)

ROBERT RANDOLPH EXHIBIT No. 3

BERNARDO GARCIA of La Habana (Havana), 27 years old, is a student at the Pacific School of Religion in Berkeley. He was in Cuba last January. He will tell about the church in Cuba today, about the relations of church and state, about cultural changes, and about educational reforms.

Questions
and answers

Cuba & Latin America

ROBERT and VALEDA RANDOLPH of Berkeley were in Cuba from March 11 to April 3. With a party of tourists from Latin America, they traveled through five of Cuba's six provinces, taking pictures and talking with people (Mrs. Randolph speaks Spanish). They met and photographed Fidel Castro. They were at Playa Giron, one of the places where U. S.-directed invasion forces landed a few weeks later....

Color slides:
pictures of
the new Cuba

Mt. and Mrs. Randolph were also at the great conference for independence and peace in Mexico City March 5 through 8.

Chairman: Paul Heide, business agent, ILWU Warehouse Union Local 6

On records: Cuba's songs of freedom

This conference, attended by 2000 delegates from all Latin American countries, plus 1000 observers, declared that "a new liberating stage has started in Latin America."

FRIDAY

MAY 19

8 p.m. SHARP

UNITED NATIONS HALL
160 GRAND AVE
(near Webster)
OAKLAND

Presented by East Bay
Supporters of National Guardian (SONG)

Parking lot

GUARDIAN

Individuals	\$1.00	Students	25¢
Couples	1.50	Unemployed	25¢

Mr. NITTLE. Was the chairman of the United Nations Hall meeting at which you were to appear, and did appear, Mr. Paul Heide?

Mr. RANDOLPH. I decline to answer on the grounds previously enumerated, plus the fact that this begins to smack of an inquiry of me regarding a whole matter of informing; and I think that our own heritage in this country, as well as the English heritage that our jurisprudence is derived from, plus the very source of things that we teach our children, that this is an odious sort of behavior.

May I remind you again that I am invoking my privileges as previously enumerated.

Mr. NITTLE. Did you appear there, or make your arrangements for an appearance there, to deliver this report in discussions with Mr. Paul Heide?

Mr. RANDOLPH. I decline to answer on the grounds previously enumerated.

Mr. NITTLE. Paul Heide and his wife, Ruby Heide, were identified in hearings before this committee which were held on December 3, 1953, in this area.

At that time Charles David Blodgett testified that he, for the period 1943 to 1950, was a member of the Young Communist League and a member of the Communist Party in Minnesota and in California; that he knew a Mr. Paul Heide of the Warehousemen's Union, Local 6, and his wife, Ruby Heide, to be members of the Communist Party in Alameda County.

Do you know Paul Heide to be a member of the Communist Party?

Mr. RANDOLPH. I renew my answer on the grounds previously enumerated.

Mr. NITTLE. If you did not know Paul Heide to be a member of the Communist Party, how would that possibly incriminate you?

Mr. RANDOLPH. I have given my reasons; and if you will recall them, they involve a great deal more than the protections of the fifth amendment. It's not just a question of the point that you raise.

The CHAIRMAN. Proceed.

Mr. NITTLE. I also hand you, Mr. Randolph, a photostatic copy of an item marked for identification as "Robert Randolph Exhibit No. 4." It is titled "Bay Area readers form Committee to help Guardian," which appeared at page 10 of the *National Guardian* for May 15, 1961. The article likewise announces your scheduled May 19, 1961, appearance at the United Nations Hall in the International Longshoremen's and Warehousemen's Union Building in Oakland.

The article reports that:

A GUARDIAN readers conference has organized an East Bay committee to get more readers for the paper in the San Francisco Bay Area. The new committee is called Supporters of National Guardian and is known by its initials—SONG.

It appears therein also that the first public meeting of the new committee will be held on May 19 at the United Nations Hall and that the speakers will be Robert and Valeda Randolph, who are reported "recently returned from the Mexico Peace Conference and Cuba" and that "Paul Heide, ILWU business agent, will be chairman."

Did you speak on that occasion, as it was announced that you would do?

Mr. RANDOLPH. I decline to answer on the grounds previously stated. (Document marked "Robert Randolph Exhibit No. 4" and retained in committee files.)

Mr. NITTLE. The committee's investigation reveals that at the meeting at the United Nations Hall on May 19, 1961, during the course of your address you stated that you had been in Cuba from March 13 to April 3, 1961.

Did you make that statement to that group assembled at the United Nations Hall?

Mr. RANDOLPH. This question is addressed to what I said and as such, I would contend, violates my privileges under the first amendment, wherein the right of free speech and the right of assembly is involved, and I feel it is a particular invasion of my first amendment privileges and I call this to your attention, but invoke all the grounds previously stated for declining to answer.

Mr. NITTLE. In the question-and-answer period following your address at the United Nations Hall, were you not asked the question, "Why did Castro state recently that there would be no election in Cuba?" Did you not reply:

This is another case of improper newspaper reporting. What really happened was that Castro had asked the Cuban people if they wanted elections held under the old laws that prevailed under Batista and former Cuban leaders and the people had replied "No." So Castro had said no more elections until a new constitution and new laws could be put into effect.

Was that question asked of you and was that answer made by you?

Mr. RANDOLPH. Again, I want to remind you that you are dealing in the area of speech and the dissemination of opinions and views, and I decline to answer on all my constitutional grounds previously elicited.

Mr. NITTLE. In view of your remark, may I state briefly for the record, Mr. Chairman, that the Supreme Court in the Communist Party case has passed upon these first amendment claims.

The CHAIRMAN. Oh, of course they have, and let's not lose time on quotations. He knows that. Get to the question.

[Laughter and applause.]

Mr. NITTLE. Now, we hand you a copy of the *Palo Alto Times* of May 24, 1961. The article is entitled "Church sets Cuba program for Sunday." It is numbered for identification as "Robert Randolph Exhibit No. 5."

That item reports that the "world affairs committee of the Palo Alto Unitarian Church, 505 Charleston Road, will sponsor a color-slide talk on Cuba on Sunday at 8 p.m. in the church"; that Mr. and Mrs. Robert Randolph of Berkeley will give the talk, and states that they recently returned from a 3-week tour of five of the six Cuban provinces. It is also stated therein that Randolph's training in economics and experience in real estate assisted him in evaluating housing and property financing in present-day Cuba.

Did you address the church group as set forth in the news account?

Mr. RANDOLPH. I decline to answer—I decline to answer on grounds previously stated.

(Document marked "Robert Randolph Exhibit No. 5" and retained in committee files.)

Mr. NITTLE. Did you yourself seek this engagement to speak to the Palo Alto Unitarian Church group?

Mr. RANDOLPH. I decline to answer on the grounds previously stated.

Mr. NITTLE. Were these arrangements made for you on your behalf by the Fair Play for Cuba Committee or any of its representatives?

Mr. RANDOLPH. To say it is interesting is really an understatement that this committee concerns itself with who organized what meetings where. Somehow the holding of public meetings of any group is very consistent with the pursuit of the democratic processes, which more and more seem to be falling into disrepute in this country when vigorously exercised.

I would say this and proceed to say that I decline to answer this question on my grounds as I have enumerated them.

Mr. NITTLE. Are you a member of the Bay Area Fair Play for Cuba Committee?

Mr. RANDOLPH. This is a further question that deals with my first amendment rights of association. I bring this to your attention and I decline to answer the question on the grounds previously stated.

Mr. NITTLE. Now, Mr. Randolph, we are going to hand you a copy of the June 1961 issue of a magazine titled, *The liberal democrat*.

[Laughter.]

Mr. NITTLE. At page 11 appears an article titled, "The Land They Invaded," under the by-line of Robert Randolph, and marked for identification as "Robert Randolph Exhibit No. 6."

May I ask you to inspect that and then return it to me for a question I propose to ask.

Have you sufficiently examined that item so as to be able to identify it and to answer the question whether or not you are the Robert Randolph who contributed that article to *The liberal democrat*?

Mr. RANDOLPH. Pardon me, Mr. Nittle, would you repeat your question?

Mr. NITTLE. I will ask the reporter to read it back to you.

The CHAIRMAN. Are you the man who contributed that article as the by-line states you did? That is all there is to it. Are you? That is the only question.

Mr. RANDOLPH. On the matter of the preparation of an article, again we are dealing with words, whether spoken or written words. The preparation of an article by anyone is public information and is the preparation of views in writing and is certainly the exercise of our first amendment privileges, but I might say responsibilities as well.

And with regard to your question, I decline to answer on my grounds that I have previously enumerated.

(Document marked "Robert Randolph Exhibit No. 6" and retained in committee files.)

Mr. NITTLE. In this article do you not write:

After the U.S. by its recriminatory policies has driven Cuba into close trade and technical aid ties with the Communist-bloc countries (literally for its economic survival), the U.S. then cries shrilly that Cuba has become a Soviet satellite and a Communist base of operations in this hemisphere. After a certain amount of this, even the sturdiest of liberals can begin to think that "where there's so much smoke there must be a little fire". * * * As one militiaman told us, "We want to be friends with the United States, but tell your people

that if your government attacks us, it will find a Cuban behind every rock and behind every tree."

Did you write this article?

The CHAIRMAN. He already refused to answer the question. Ask your next one.

Mr. RANDOLPH. I am conferring with counsel, Mr. Chairman.

The CHAIRMAN. I suggested that he ask the next question.

Mr. RANDOLPH. Well, I need to respond to this question. I need to respond to questions one by one.

The CHAIRMAN. All right.

Mr. RANDOLPH. I am conferring with counsel. It will just take us a moment.

The CHAIRMAN. I thought I'd relieve you.

Mr. RANDOLPH. Again, I would emphasize the first amendment aspects of the constitutional protections that I have invoked, and I stand on that and all the others that I have enumerated.

Mr. NITTLE. Have you received any compensation, directly or indirectly, from the Cuban Government with the understanding that you would conduct such activities as have been described on behalf of the Cuban Government and in support of the Communist regime in Cuba?

Mr. RANDOLPH. I decline to answer on the grounds previously stated.

Mr. NITTLE. So that the record may be clear, and without implying that under existing laws you would or would not be required to register, we should like to inquire whether you have made application for or registered with the Attorney General under the Foreign Agents Registration Act of 1938?

Mr. RANDOLPH. I decline to answer on the grounds previously stated.

Mr. NITTLE. Now, Mr. Randolph, we hand you a copy of page 4 of the Communist *People's World* of May 8, 1946, marked for identification as "Robert Randolph Exhibit No. 7."

I direct your attention to the article titled, "AYD pickets Franco's S.F. embassy Sat."

The article reports the picketing of the Spanish Embassy and a petition campaign directed to the United Nations demanding that the United Nations take action against Francisco Franco. The article declares that this campaign was organized by the newly formed "American Youth for Democracy Inter-Collegiate Council of Northern California" composed of AYD members from the San Francisco State College, University of California at Berkeley, San Jose Junior College, Stanford University, and San Francisco Junior College. A Bob Randolph is identified as a University of California student and chairman of that council.

Are you not the Bob Randolph who was at that time identified as chairman of the council?

Mr. RANDOLPH. First amendment rights are being dealt with again. The right of free and unimpaired association with others. And I decline to answer the question on the ground that I have previously stated.

(Document marked "Robert Randolph Exhibit No. 7" and retained in committee files.)

Mr. NITTLE. This committee on March 29, 1944—when I refer to "this committee," I am referring to the House Committee on Un-

American Activities—issued a report that the American Youth for Democracy was the successor of the Young Communist League.

In 1948 Attorney General Tom Clark described the American Youth for Democracy as subversive and Communist. Likewise, on August 30, 1950, Attorney General J. Howard McGrath declared the American Youth for Democracy to have been a Communist organization.

Were you aware at the time you assumed the chairmanship of the American Youth for Democracy Intercollegiate Council of Northern California that the organization that you were serving was a Communist organization?

Mr. RANDOLPH. I decline to answer on the grounds previously stated.

Mr. NITTLE. Were you not also, as this committee's investigation indicates, a member of the Labor Youth League in the Bay Area for the period from 1950 until its dissolution in the year 1957?

Mr. RANDOLPH. Once again the question invades the whole area of the right of association, and I decline to answer this question on the grounds that I have previously stated.

Mr. NITTLE. The Labor Youth League was declared to be a Communist organization by Attorney General J. Howard McGrath in a report released on August 30, 1950.

The Subversive Activities Control Board, after extensive hearings reported:

The Labor Youth League is the principal means whereby a segment of American youth is indoctrinated and trained for dedicated membership and future positions of leadership in the [Communist] Party. It is also the means whereby these individuals are put into active service in support and in aid of Communist Party policies and objectives.

Would you care to tell the committee, Mr. Randolph, whether your experience in the Labor Youth League confirms this finding?

Mr. RANDOLPH. No, I would not care to tell the committee anything about those findings.

[Laughter.]

Mr. RANDOLPH. And I—my declination is on the grounds, rather lengthy grounds, that I have previously enumerated.

Mr. NITTLE. The committee's investigation further reveals that you were in attendance in July 1962 at the Communist-staged World Peace Congress, which was held in Moscow.

Did you attend the World Peace Congress as a delegate to it from the United States?

Mr. RANDOLPH. What is the relevancy, initially, of this question regarding the inquiry that the committee has announced?

Mr. NITTLE. The relevancy of the question is based upon a principle of the law of evidence, that past conduct of a nature similar to that under present inquiry is always relevant and material to show knowledge, disposition on the part of the witness.

Mr. RANDOLPH. I don't understand what you mean by "past conduct." You are citing a 1962 date here. It seems that that follows 1961.

Mr. NITTLE. I should have amended my statement of relevancy by saying both past and subsequent conduct of a nature similar to that under inquiry—

Mr. RANDOLPH. I see.

Mr. NITTLE. — is relevant under a principle of the law of evidence.

Mr. RANDOLPH. First amendment rights are particularly involved here again, the right of association, the right to the acquisition of information and the development of ideas, and, most particularly, a certain onus is being suggested with regard to the most basic right to travel in connection with the right to gather one's information, which is what really underlies the right of free speech. Therefore, I decline to answer this question on this ground and all the others that I have detailed previously.

Mr. NITTLE. Now, Moscow radio on July 16——

[Laughter.]

Mr. NITTLE. — 1962, broadcast a report of an interview with you by Russian correspondent Nina Alekseyev in Leningrad, relating to your impressions of the World Peace Congress.

She reported you as saying, and I quote:

Well, we came here with high hopes and we had some high hopes, a sense of having accomplished the purposes of the Congress very successfully during the 5 days that it was taking place.

Did you make that statement to Nina Alekseyev as reported by Moscow radio?

Mr. RANDOLPH. We are dealing with an area of communications between persons of the United States and persons of the Soviet Union, the two powers that must maintain peace between themselves if world peace is to be really maintained. And in these days of great peril, unimaginable peril, wherein the—by the report of Seymour Melman, the Columbia University professor—the Soviets are capable of obliterating every American city of over 100,000 population 140 times over and we, in turn, with our 40,000 nuclear bombs—that still somehow don't give us comfort—are able to obliterate the same sized Russian cities or over of 100,000 population or over 1250 times each, in view of this kind of dilemma that we all share—and the citizens of California and of Louisiana and Virginia and Wisconsin and everywhere across our land share the same fundamental human dilemma—for which there is no easy solution by the struggle to communicate, the struggle to relate to other members of the human family——

Mr. NITTLE. Now, we are not asking for——

The CHAIRMAN. Well, maybe he's trying to say that is why he went to Moscow. Come on. Go on.

[Laughter.]

Mr. NITTLE. Did you go to Moscow?

The CHAIRMAN. You mean you haven't answered the question yet?

Mr. RANDOLPH. I know I haven't answered the question yet, and I don't intend to.

[Laughter.]

The CHAIRMAN. I thought so.

Mr. RANDOLPH. But I think this is something that is material, that has something to do with the proper political life of the American people, with the function of this committee in relation to the political life of the American people; and having said this, I then decline to answer your question on the grounds I have previously stated.

Mr. NITTLE. Was your attendance at the World Peace Congress for the purpose of giving support to the objectives of the Soviet Communist dictatorship?

Mr. RANDOLPH. I decline to answer on the grounds previously stated.

Mr. NITTLE. Following your attendance at the World Peace Congress at Moscow, did you not then proceed to Tokyo, for attendance at the Communist-sponsored Eighth World Conference Against Atomic and Hydrogen Bombs and for Prevention of Nuclear War? That is the title of this conference, a rather lengthy one.

Did you or did you not then proceed to Tokyo and attend that Communist-sponsored Eighth World Conference?

Mr. RANDOLPH. I want to answer this question.

I decline to answer on the grounds previously stated.

Mr. NITTLE. Mr. Randolph, it may interest you to know that the Peking radio on August 1, 1962, in reporting on the conference, stated that the United States delegate, Robert Randolph, in his address, "opposed the stationing of U.S. troops in any foreign country and stood against intervention in the internal affairs of foreign countries. The American people want to exert their efforts in developing the peace movement."

Did Peking radio correctly report statements allegedly made by you at the conference?

Mr. RANDOLPH. Well, I can't speak for Peking radio; but with regard to myself, I decline to answer on the grounds that I have previously enumerated.

Mr. NITTLE. Were your remarks at the conference in Tokyo uttered for the purpose of serving the propaganda objectives of the Communist movement?

Mr. RANDOLPH. I decline to answer on the grounds previously stated.

Mr. NITTLE. No further questions, Mr. Chairman.

Mr. TUCK. I have no questions.

Mr. JOHANSEN. I have no questions.

(Witness excused.)

Mr. NITTLE. Will Valeda Bryant Randolph please come forward?

The CHAIRMAN. Please raise your right hand.

Do you solemnly swear that the testimony you are about to give before this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. RANDOLPH. I do.

TESTIMONY OF VALEDA BRYANT RANDOLPH, ACCOMPANIED BY COUNSEL, HUGH R. MANES

Mr. NITTLE. Mrs. Randolph, would you state your full name and residence for the record, please?

Mrs. RANDOLPH. My name is Valeda Randolph. My residence is 4086 Second Avenue, Sacramento.

Mr. NITTLE. Are you represented by counsel?

Mrs. RANDOLPH. Yes.

At this point, before any—

Mr. MANES. For the record, my name is Hugh Manes. I am an attorney practicing at 1680 North Vine Street in Hollywood 28, California.

Mrs. RANDOLPH. At this point, before any further questions are asked of a private nature, I ask that, since this committee has shown

its purpose to be one of slandering witnesses by implication, that I be granted an executive session, the right of which being stated in Rule XI, 26(m), of this committee.

The CHAIRMAN. You were here a moment ago when I passed on this on an identical request made by your husband?

Mrs. RANDOLPH. I am repeating the request or the motion.

The CHAIRMAN. Well, I think, since you are familiar with it, I will just hurriedly state that this application that you present again was presented by letter by you and your husband and considered and disposed of by the full committee on June 26 for the reason indicated previously by me and, more cogently, for the reason that the rule to which you refer has no application in this case whatsoever.

Proceed.

Mr. NITTLE. Are you the wife of Robert Eugene Randolph, the preceding witness?

Mrs. RANDOLPH. I believe there is a rule prohibiting—

The CHAIRMAN. Well, she just admitted that, and it's true. Go on with the next question.

Mrs. RANDOLPH. —and I would like to proceed with my answer.

I decline to answer for the following reasons: First, the mandate of this committee impinges on the first amendment—

The CHAIRMAN. Hold it, please. You mean to say you are declining to answer whether you are the wife of a man on all these grounds—that you might be sent to jail and the first amendment, free speech? Is that what you are telling us?

Mrs. RANDOLPH. My answer is as follows: First, the mandate of this committee impinges on the first amendment right of all citizens to freedom of expression, association, press, and travel and to petition the Government for a redress of grievances.

Second, the mandate of this committee is so broad and unclear that it fails to provide proper standards for determining the constitutional limits of its authority, thereby leaving the scope of its inquiry to the whim of its members, while depriving the citizens of fairness of the pertinence of its inquiry.

Third, the announced subject matter of this investigation transgresses upon the people's freedom to travel and to become well informed in order to more effectively govern themselves. This investigation unconstitutionally arrogates to Government a right retained exclusively by citizens to go and see what, when, and where he pleases. And, above all, this investigation has the aim and effect of abridging the right of citizens to know firsthand conditions and events in other lands or, thus, to make their own independent judgments based on only what they have seen.

Such constitutional powers are not vested in a government but in the people of our country.

Fourth, this question which has been asked is not pertinent or relevant to the matter under investigation nor to the purported authority of this committee.

Fifth, the publication of my name in advance of this hearing is in violation of my right of privacy as guaranteed by the first, fourth, and fifth amendments to the Constitution of the United States and deprives this committee of any jurisdiction to conduct further inquiries of me.

Sixth, the failure and refusal of this committee to conduct this inquiry in executive session, as I have heretofore requested by the letter and orally, violates Rule XI, section 26(m), of this committee's mandate in that, among other things, the questions asked and to be asked of me seek testimony which tends or may tend to defame, degrade, and incriminate me. And, further, because this public hearing has no legitimate legislative purpose, but is designed and intended to expose me to economic, social, and political recrimination and ostracism, and because it infringes on my constitutional right of privacy, all in violation of the first, fourth, and fifth amendments to the Constitution of the United States.

Seventh, this subcommittee is illegally constituted and without jurisdiction to conduct these proceedings for lack of a quorum as required by rule 26(h), in that two of its members represent States which deny to and abridge the franchise of its Negro inhabitants, but which States have not been, and are not now, thereby duly and lawfully apportioned in accordance with section 2 of the fourteenth amendment to the Federal Constitution.

Eighth, the question compels me to testify against myself in violation of the fifth amendment to the Constitution.

Ninth, I invoke the husband-and-wife privileges as guaranteed by Rule XII of the rules of the committee, as well as by Federal statute.

The CHAIRMAN. Proceed.

Mr. NITTLE. Would you state the place and the date of your birth, please?

Mrs. RANDOLPH. I decline to answer this and all further questions on the grounds previously stated.

Mr. NITTLE. Was your maiden name Valeda Bryant?

Mrs. RANDOLPH. This is a private question of no concern to this committee, and I decline to answer it on grounds previously stated.

Mr. NITTLE. Would you relate the extent of your formal education?

Mrs. RANDOLPH. I went to public schools in this country and to college.

Mr. NITTLE. Did you attend Stanford University and the University of Alaska?

Mrs. RANDOLPH. This seems to be quite irrelevant to any worthwhile subject of discussion; and therefore, on this and other grounds previously stated, I decline to answer.

Mr. NITTLE. You cannot include grounds of the fifth amendment because you claim the question is irrelevant. You can only claim the fifth amendment privilege because you believe that a truthful answer to the question may possibly incriminate you.

Now, do you refuse to answer this question because you claim it is irrelevant, or do you refuse to answer it because you claim fifth amendment privileges?

Mrs. RANDOLPH. I feel that the way you worded your statement is an abuse of the fifth amendment and an attempt to give it a different meaning than what it honorably and historically has; and therefore, for this reason and on other grounds previously stated, I decline to answer.

Mr. NITTLE. What is your present occupation?

Mrs. RANDOLPH. I am a housewife. And also I am a housewife anxious to get back to my two small children for whom we had much difficulty in making arrangements for their care.

Mr. NITTLE. Mrs. Randolph, it is noted from the official records that you and your husband made simultaneous and identical applications for United States passports on January 6, 1961, and pursuant to your individual application a passport was issued to you on January 9, 1961, numbered B-094577.

Do you presently hold that passport?

Mrs. RANDOLPH. This is a private question and, I feel, of no concern to this committee; and I therefore, for this reason and for other reasons previously stated, I decline to answer.

Mr. NITTLE. At the time you filed this application on January 6, 1961, were you aware that the United States had severed diplomatic relations with Cuba—

Mrs. RANDOLPH. I have already stated that I will decline to answer.

Mr. NITTLE. —just 3 days prior to the filing of your application?

Mrs. RANDOLPH. I have already stated that I will decline to answer this and all further questions of this nature on the grounds previously stated, and therefore I do not understand your continuing questioning.

Mr. NITTLE. Did you at any time on or after January 16, 1961, travel to Cuba?

Mrs. RANDOLPH. I didn't hear the question.

Mr. NITTLE. Did you at any time on or after January 16, 1961, travel to Cuba?

Mrs. RANDOLPH. The fact that you continue to ask me such questions after I have said that I will answer no more questions on the grounds previously stated indicates, as I have already stated, that the major—a major purpose of this committee is of exposure. I see no other reason for your continuing questions.

The CHAIRMAN. Well, of course, that is not true.

[Laughter.]

The CHAIRMAN. Well, now, wait a minute. This is serious business. This Government and any government on earth has a right, when breaking diplomatic relationships with a country, to have regulations of the type that we are talking about. There is a Federal law on it. What we are looking into is the violation of that Federal law. If you don't like this pancake, you turn it around and see whether people from Cuba can travel at will.

[Laughter.]

The CHAIRMAN. You'll find out the purpose.

Proceed with your question.

Mrs. RANDOLPH. If there is a violation, it belongs with other agencies.

The CHAIRMAN. Yes. Well, lady, I don't want to argue with you. But I will have a ruling on what is going to happen, later in the day. Go on.

Mr. NITTLE. Did you at any time on or after January 16, 1961, make application to the Department of State for a validation of the passport which was issued to you on January 6, 1961, so that travel to Cuba would be validated?

Mrs. RANDOLPH. As I have told you, I decline to answer on the grounds previously stated.

Mr. NITTLE. The committee's investigation discloses that you left Mexico City for Cuba on March 13, 1961, as a guest of the Cuban Government.

Did you leave Mexico City for Cuba on March 13, 1961?

Mrs. RANDOLPH. I decline to answer on the grounds previously stated.

Mr. NITTLE. Were you present in Cuba in March 1961 as a guest of the Cuban Government?

Mrs. RANDOLPH. I decline to answer on the grounds previously stated.

Mr. NITTLE. I have already offered and submitted to Mr. Randolph various newspaper accounts, setting forth the fact that certain speeches and reports would be delivered by both you and him at the United Nations Hall on Friday, May 19, 1961.

Although you were advertised to appear at the United Nations Hall on Friday, May 19, 1961, it is the committee's information that you did not, in fact, appear as a speaker, but that your husband was present.

Mrs. RANDOLPH. As this committee has already been told——

Mr. NITTLE. Now, I have not finished my statement.

It is the committee's information that your husband, Robert Randolph, apologized for your absence and explained that both you and he had made five talks in 48 hours, that two of these talks had been in Sacramento and one had been before a group of State Public Health employees.

Mrs. RANDOLPH. Excuse me. May I now ask you to be brief?

Mr. NITTLE. He declared that you were very tired and this was the explanation for your absence.

Mrs. RANDOLPH. Does this committee have——

Mr. NITTLE. The question I am posing to you is not with respect to your husband's activities, nor is the question relating to confidential communication between husband and wife, because this communication was made by your husband publicly——

Mrs. RANDOLPH. I believe I understand your question. May I proceed?

Mr. NITTLE. The question is, Did you, in fact, deliver five talks about Cuba within 48 hours at that time?

Mrs. RANDOLPH. As has already been pointed out to this committee, this seeming concentration on the subject of speaking engagements makes it even more evident that a major function this committee serves is to frighten people from speaking publicly. Therefore, on this ground and for other grounds previously stated, I decline to answer.

Mr. NITTLE. The *Palo Alto Times* of May 24, 1961 [previously marked "Robert Randolph Exhibit No. 5"] reported that the "world affairs committee" of the Palo Alto Unitarian Church, 505 Charleston Road, was sponsoring a color-slide talk on Cuba by Mr. and Mrs. Robert Randolph of Berkeley, who had recently returned from a 3-week tour of five of the six Cuban provinces.

Did you appear at the Palo Alto Unitarian Church to deliver this talk?

Mrs. RANDOLPH. As I have said before, I feel no relevancy here to such personal questions and I feel that there is an implication here that there is something wrong with speaking, for any witness or any citizen to speak their opinion when it is brought up in this form of slander by implication.

The CHAIRMAN. Well, the relevancy of the question, again, is that there is a Federal law on the books that applies to every citizen of America, the Foreign Agents Registration Act.

If a businessman wants to be a lobbyist or influence legislation, he has to register as a lobbyist. There is nothing wrong with that. And in various other areas, the people of our country, labor unions, everybody else, have to comply with certain registration laws. We have a law on the books that if anyone, instead of representing a concern or an individual here, is an agent of a foreign power, that person must register. I am not implying that you are an agent, but I am saying that these questions strike at the heart of a law, including foreign travel, which, it is our information, is being widespreadly flouted; and our purpose is to review that, to make a report to Congress, and to recommend tightening up and strengthening both the Foreign Agents Registration Act and strengthening the law which prohibits travel to Cuba, China, and elsewhere. Go on.

Mr. NITTLE. Were you a guest of the Cuban Government during your travel to Cuba?

Mrs. RANDOLPH. I decline to answer this on the reasons previously given, and I would like to say that on this previous statement made by the chairman that if anyone——

The CHAIRMAN. That is a statement of pertinency.

Next question.

Mrs. RANDOLPH. I would like to comment on that.

The CHAIRMAN. Next question.

Mr. NITTLE. Was there any agreement——

The CHAIRMAN. Next question.

Mr. NITTLE. Mrs. Randolph, was there an understanding between you and the Cuban Government or any of its representatives that, in exchange for the benefits given you as a guest of the Cuban Government, you would return to the United States and engage in activities, speaking engagements particularly, to influence the public within the United States with respect to the policies and interests of the Communist regime in Cuba?

Mrs. RANDOLPH. I would like to continue my comment to finish by saying that everyone who has a legal opinion would like to express it, and who is to decide which opinions may be expressed and which may not be? Government edict?

In answer to your question, I decline to answer for reasons previously stated.

Mr. NITTLE. During your visit to Cuba or since that time, did you receive compensation from any political party, group, or person which is affiliated or associated with any foreign political party or government?

Mrs. RANDOLPH. The fact that such a question is often brought up at your hearings indicates that this is something you attempt to imply by the question. I object to the question and, for this reason, I decline to answer it and on other reasons previously stated.

Mr. NITTLE. Do you object to this question because you believe that a truthful answer to it will subject you to a criminal prosecution?

Mrs. RANDOLPH. I object to the implication of any slanderous statements against any witness or citizen or noncitizen of the United States.

Mr. NITTLE. Mr. Chairman, that is not sufficient ground for pleading the legal privilege.

The CHAIRMAN. I know.

Mr. NITTLE. And I ask that the witness be directed to answer the question.

Mrs. RANDOLPH. And I also refuse on all of the grounds previously stated.

The CHAIRMAN. That gets it.

Mr. NITTLE. Did you receive any compensation from the Fair Play for Cuba Committee?

Mrs. RANDOLPH. I decline to answer the question for reasons that were previously stated.

Mr. NITTLE. Mrs. Randolph, have you been at any time associated with the California Labor School or a participant in its activities?

Mrs. RANDOLPH. Such a question appears to me to be another abridgment of our constitutional freedoms through implication and association. I could never answer such a question aimed with this purpose in mind and, for this and other reasons previously stated, I decline to answer.

Mr. NITTLE. Mrs. Randolph, I have before me, which I will exhibit to you in a moment, a copy of a flier issued by the California Labor School of 240 Golden Gate Avenue, marked for identification as "Valeda Randolph Exhibit No. 1."

The flier indicates that there will be a party and rally for the fall opening of the California Labor School. A program is set forth indicating that you would, on October 7, 1950, perform a classical Spanish dance and would also perform an oriental Gypsy dance—

[Laughter.]

Mr. NITTLE. —evidently in aid of the program of the California Labor School. I will ask Mr. Wheeler to exhibit that to you, and I want to ask whether you are the Valeda Bryant who is mentioned in the program of the California Labor School.

Mrs. RANDOLPH. I must say that I fail to see the relevancy of my dancing career, of the particular kind of dances I once performed or where I performed them, to any worthwhile subject under investigation.

The CHAIRMAN. Proceed.

Mr. NITTLE. Well, I will proceed to show you the relevancy by the next question.

Mrs. RANDOLPH. If this were the case, that I performed in certain places, I fail to see the relevancy of questions about dancing.

Mr. NITTLE. These all appear—

Mrs. RANDOLPH. And, therefore, I decline to answer on this ground and on other grounds previously stated.

(Document marked "Valeda Randolph Exhibit No. 1" and retained in committee files.)

Mr. NITTLE. Now, you don't refuse to reply on any ground of relevancy?

The CHAIRMAN. Ask the next question. Let's go.

Mr. NITTLE. The California Labor School was declared to be a subversive and Communist organization in letters of the Attorney General, now Mr. Justice Tom Clark, which were released on June 1, 1948, and September 21, 1948.

Proceedings were later instituted against the California Labor School pursuant to the provisions of the Internal Security Act of 1950. In its Report and Order of May 21, 1957, the Subversive Ac-

tivities Control Board found the California Labor School to be a Communist-front organization and ordered it to register as such. In its findings, the Board reported that the California Labor School has continuously from the outset been under the domination and control of active Communist Party members and functionaries who occupy key positions on its administrative and teaching staffs.

Were you not aware, in October 1950, when you performed these dances and assisted in the program of the California Labor School, that you were doing so in aid of the objectives of a Communist organization?

Mrs. RANDOLPH. A question phrased in this way illustrates a purpose of this committee, which is to smear by association. And, therefore, in good conscience I could never answer such a question no matter how simple the answer might be, and on this ground and on other grounds previously stated——

Mr. NITTLE. Then I will give you a question that may be very simply answered.

It is the committee's information that you, Valeda Bryant, were a member of the Communist Party in Berkeley, California, as early as the year 1945. We will give you an opportunity to answer a very simple question.

Were you, or were you not, a member of the Communist Party at the time you danced for the California Labor School in 1950?

[Laughter.]

Mrs. RANDOLPH. Such questions, which pry into one's private life, are not worthy of such a committee; and on this ground I decline to answer it and on other grounds previously stated.

Mr. NITTLE. Well, now, Mrs. Randolph, the Subversive Activities Control Board made certain findings with respect to the Communist Party, and these findings were upheld by the Supreme Court. This question, which you say affects your private life, also affects the private lives of every citizen in the United States, particularly in view of this finding of the Subversive Activities Control Board.

Justice Douglas, although writing a dissenting opinion in the Communist Party case, nevertheless agreed with the other Justices when he stated:

The Subversive Activities Control Board found, and the Court of Appeals sustained the finding, that petitioner, the Communist Party of the United States, is "a disciplined organization" operating in this Nation "under Soviet Union control" to install "a Soviet style dictatorship in the United States." Those findings are based, I think, on facts; and I would not disturb them.

Did you reach the same conclusion as is reported in the findings of the Subversive Activities Control Board with respect to the Communist Party of the United States?

Mrs. RANDOLPH. Here I would like to say that a question of much greater import to the welfare of our country is the right to unrestricted travel to any country whatsoever, and I believe this is the issue under discussion. Therefore, I decline to answer on this ground and on other grounds previously stated.

Mr. NITTLE. I will just ask you one or two concluding questions.

I am going to ask Mr. Wheeler to hand you a copy of a large advertisement which appeared in the *Palo Alto Times* on April 25, 1961. It is entitled, "Petition on our policy toward Cuba," under the auspices of the Student Ad Hoc Committee Against U.S. Intervention in Cuba and the Palo Alto Fair Play for Cuba Committee.

I want to ask you whether you are a member of the Palo Alto Fair Play for Cuba Committee?

Mrs. RANDOLPH. First, let me correct the pronunciation. The town is Palo Alto.

Mr. NITTLE. Well, I am very new to your lovely area here and I appreciate your correction.

The CHAIRMAN. All right. Let's go, let's go.

Mrs. RANDOLPH. You are welcome.

The CHAIRMAN. What is the pending question?

Mr. NITTLE. Are you a member—

Mrs. RANDOLPH. I am afraid I have lost track of the question.

Mr. NITTLE. Are you a member of the Fair Play for Cuba Committee?

Mrs. RANDOLPH. My belief as an American is that everyone is entitled to fair play. But, considering the intent of these questions, I decline to answer for this reason and other reasons previously stated.

Mr. NITTLE. Could you tell the committee anything with respect to the formation of the organization titled, "Student Ad Hoc Committee Against U.S. Intervention in Cuba"?

Mrs. RANDOLPH. I do not like to answer questions which have implications in them that are not supported by evidence, implications which tend to cast a shadow of guilt over anyone who joins an organization, who signs a petition. And so, therefore, for this reason and for other reasons previously stated, I decline to answer.

Mr. NITTLE. Are you now a member of the Communist Party?

Mrs. RANDOLPH. Can you prove it?

Mr. NITTLE. I am asking you the question.

Mrs. RANDOLPH. I turned the question around, if I may have that right.

Mr. NITTLE. Would your answer depend upon my statement?

Mrs. RANDOLPH. Of course not.

[Laughter.]

Mr. NITTLE. Well, then, let's answer the question.

Mrs. RANDOLPH. Statements which, as I said before, tend to slander by implication, I will have no part with whatsoever. The answer might be—therefore, I decline to answer on this ground and on other grounds previously stated.

Mr. NITTLE. No further questions.

Mr. TUCK. I have no questions.

Mr. JOHANSEN. No questions.

The CHAIRMAN. Witness is excused.

Out of consideration for the reporter, we will recess for 10 minutes.

(Whereupon, at 3:25 p.m., the committee recessed until 3:55 p.m. of the same day.)

The CHAIRMAN. This subcommittee will please come to order.

Call your next witness, Mr. Nittle.

Mr. NITTLE. George Waegell, please come forward.

The CHAIRMAN. Will you please raise your right hand?

Do you solemnly swear that the testimony you are about to give before this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WAEGELL. I do.

The CHAIRMAN. Proceed.

TESTIMONY OF GEORGE WAEGELL, ACCOMPANIED BY COUNSEL,
HUGH R. MANES

Mr. NITTLE. Will you state your full name and residence for the record, please?

Mr. WAEGELL. My name is George Waegell, and I would like to make a motion for executive session, on which if granted me——

Mr. NITTLE. You will be given an opportunity to make your motion. Will you please first identify yourself?

Mr. WAEGELL. My name is George Waegell, as I stated.

Mr. NITTLE. And your residence?

Mr. WAEGELL. I don't wish to give my residence at this time. I would rather request an executive session.

Mr. NITTLE. Are you represented by counsel?

Mr. WAEGELL. Yes, I am.

Mr. NITTLE. Would counsel please identify himself for the record?

Mr. MANES. Yes. My name is Hugh Manes. I practice law at 1680 North Vine Street, Hollywood 28. And, may I say, Mr. Chairman, that I think my client has already indicated previously by writing that he requested an executive session.

He renews that request at this time and does so upon the ground, among other things, that he fears recrimination, he fears defamation, he fears that the evidence and the questions that will be asked of him will expose him to obloquy; and, therefore, grounded upon Rule XI, 26, subsection (m), he respectfully invokes that particular rule to request executive session.

The CHAIRMAN. You were in the audience when I ruled, two or three or four other times, on a request for executive session similar to the one you are now making; were you not?

Mr. WAEGELL. Yes, I was.

The CHAIRMAN. Well, then, without the necessity for repeating all the reasons I indicated, I now make them a part of the ruling in your case at this time.

As a matter of fact, I see that you are one of a number who made application to us before we left Washington and that you are one of those on whose application the full committee acted unfavorably to your position. Therefore, for the reasons I have indicated, and particularly addressed to the rule of the House involved, in view of the fact that that rule is inapplicable to you and for other reasons indicated, your motion is denied.

Mr. WAEGELL. I am also relying on the fourth and fifth amendments in support of that motion.

Mr. MANES. I believe, Mr. Chairman, he simply indicated that, in addition to the rule cited, that he is also relying in support of the motion on the fourth and fifth amendments.

The CHAIRMAN. And for the reasons I outlined, a rejection of the motion is required, including grounds now assigned.

Mr. NITTLE. Mr. Waegell, our information is that you live at Elk Grove, California. Is that true?

Mr. WAEGELL. Yes.

Mr. NITTLE. Would you state the date and place of your birth, please?

Mr. WAEGELL. What is the relevancy of that?

Mr. NITTLE. For purposes of identification.

It is our information that you were born Henri—spelled H-e-n-r-i—George Waegell, August 26, 1926, in Sacramento, California.

Are you the Henri George Waegell whose birth was August 26, 1926, at Sacramento, California?

Mr. WAEGELL. I was born August 26, 1926, in Sacramento, California.

Mr. NITTLE. Would you relate the extent of your formal education?

Mr. WAEGELL. I attended public schools in Elk Grove and in Berkeley.

Mr. NITTLE. What were the years of your attendance in the public schools in Elk Grove?

Mr. WAEGELL. What is the relevancy of that?

Mr. NITTLE. This is for background information which the Supreme Court has ruled as being relevant in any interrogation.

Mr. WAEGELL. I attended Union Grammar and Elk Grove High in Elk Grove.

Mr. NITTLE. I wasn't able to hear whether you had some further education after finishing high school there. Did you?

Mr. WAEGELL. Yes, I did.

Mr. NITTLE. What school did you attend following high school?

Mr. WAEGELL. I decline to answer it for the following reasons: First, the mandate of this committee, on its face and as applied, impinges on the first amendment rights of all citizens to freedom of expression, association, and press and to petition their Government for a redress of grievances.

Second, the mandate of this committee is so broad and so vague that it fails to provide adequate standards for determining the constitutional limits of its authority, thereby leaving the scope of its inquiry to the whim or caprice of its members, while depriving the citizens of fair notice of the relevancy or propriety of its inquiry.

Third, the announced subject matter of this investigation transgresses upon the people's freedom to travel and to become informed and enlightened in order to more effectively govern themselves. This investigation unconstitutionally arrogates to Government a right retained exclusively by citizens to go and see what, when, and where he pleases and, most importantly, this investigation has the aim and effect of abridging the right of citizens to seek and discover for themselves the truth concerning conditions and events in other lands and making their own independent judgments as to what ideas found there, if any, will be useful in promoting their own destiny, a determination which the Constitution vests not in Government but in the people.

Fourth, the request asked is not pertinent—the question asked is not pertinent or relevant to the subject matter under investigation nor to the purported authority of this committee.

Fifth, the publication of my name in advance of this hearing is in violation of Rule XVI of this committee and is a violation of my right to privacy as guaranteed by the first, fourth, and fifth amendments of the United States Constitution and deprives this committee of any jurisdiction to conduct further inquiry of me.

Sixth, the failure or refusal of this committee to conduct this inquiry in executive session, as I have heretofore requested by letter and orally, violates Rule XI, subsection 26(m), of the committee's mandate, in that, among other things, the questions asked and to be asked of me

seek evidence and testimony which tends or may tend to defame, degrade, and incriminate me and, further, because this public hearing has no legitimate legislative purpose, but is designed and tends to expose me to economic, social, and political recrimination and ostracism and to hold me and my ideas up to public obloquy and scorn, and infringes upon my constitutional right of privacy, all in violation of the first, fourth, and fifth amendments of the United States Constitution.

Seventh, this subcommittee is illegally constituted and without jurisdiction to conduct these proceedings for lack of a quorum as provided by rule 26(h), in that two of its members represent States which deny to and abridge the franchise of its Negro inhabitants, but which States have not been, and are not now, thereby duly and lawfully apportioned in accordance with section 2 of the fourteenth amendment to the Federal Constitution.

Eighth, the question compels me to testify against myself in violation of the fifth amendment of the United States Constitution.

Mr. NITTLE. What has been your principal employment since graduation from high school?

Mr. WAEGELL. Farmer.

Mr. NITTLE. Were you a student for a period after graduation from high school?

Mr. WAEGELL. A student? What is this, now?

Mr. NITTLE. Were you a student attending universities following graduation from high school?

Mr. WAEGELL. Yes.

Mr. NITTLE. What university did you attend?

Mr. WAEGELL. I decline to answer for all the reasons previously stated.

Mr. NITTLE. Did you receive any degree from any university?

Mr. WAEGELL. I decline to answer for grounds previously stated.

Mr. NITTLE. Have you, Mr. Waegell, visited Cuba at any time since January 16, 1961, when the passport regulation went into effect banning travel to Cuba unless one is in possession of a United States passport specifically endorsed for such travel?

Mr. WAEGELL. A democracy functions only when people have the right to see both sides, and I think travel is being able to see both sides, and therefore I decline to answer on grounds previously stated.

Mr. NITTLE. Well, now, you can only assert the fifth amendment privilege, which you previously asserted, if you believe that a truthful answer to the question would subject you to criminal prosecution and not because you consider the question irrelevant, or for other reasons.

Mr. WAEGELL. I don't believe I have to accept your interpretation.

Mr. NITTLE. Well, let me ask you this question, whether you accept it or not: Do you invoke the self-incrimination clause of the fifth amendment in refusing to respond to the question?

Mr. WAEGELL. I decline to answer that question on the grounds as previously stated.

Mr. NITTLE. The committee's investigation of your passport record indicates that you at no time on or after January 16, 1961, possessed a United States passport.

Were you at any time after January 16, 1961, in possession of a United States passport?

Mr. WAEGELL. I decline to answer on all of the grounds previously stated.

Mr. NITTLE. The investigation of the committee also discloses that you departed from the United States and entered Mexico in the early part of March 1961 and, while in Mexico, you made application to the Cuban consulate for a visa to visit Cuba.

Did you enter Mexico and were you present there in March 1961?

Mr. WAEGELL. I decline to answer.

Mr. NITTLE. Did you, while in Mexico, make application to the Cuban consulate, or any representative of the Cuban Government, or make any application for a visa to visit Cuba?

Mr. WAEGELL. I decline to answer that and the previous question on all of the grounds previously stated.

Mr. NITTLE. It is the committee's information that you did receive a visa from the Cuban Government after a wait of approximately 3 weeks.

Was any explanation offered to you by the Cuban authorities concerning the delay in issuing to you a Cuban visa?

Mr. WAEGELL. I decline to answer this question and any future question on the grounds previously stated.

Mr. NITTLE. After the receipt of the Cuban visa, did you not then enter Cuba and were you not present in Cuba during the Cuban invasion of April 17, 1961?

Mr. WAEGELL. I think it would be rather important that an American would be in Cuba during the Bay of Pigs invasion. There were darned few people there, I believe, and how are we going to know what is going on in the world if we don't send news out of there or people don't go there?

The CHAIRMAN. Well, were you there? Were you there?

Mr. WAEGELL. On that ground and all previously stated, I refuse to answer.

Mr. NITTLE. I will ask Mr. Wheeler to hand you a copy of a flier which was issued in the early part of 1962, marked for identification as "Waegell Exhibit No. 1."

The flier, as you will see, advises that the Fair Play for Cuba Student Council will present, "Cuba As I Saw It, Color Slides," by George Waegell, farmer from Sacramento who spent 3 months in Cuba in 1961 traveling from one part of the island to the other, witnessing, among other things, the invasion of April 17, 1961.

Are you not the George Waegell to whom reference is made in this exhibit?

Mr. WAEGELL. My name is Waegell, Mr. Diddle.

Mr. NITTLE. Thank you for the correction.

[Laughter.]

Mr. NITTLE. We are also interested, Mr. Waegell, in determining the facts relating to your travel to Cuba. Perhaps you will be as helpful there.

Mr. WAEGELL. If this committee is interested in what goes on in Cuba, it could see my slides any time it wanted to.

Mr. NITTLE. Will you tell us——

Mr. WAEGELL. I decline——

Mr. NITTLE. Will you tell us from whom you obtained these slides?

The CHAIRMAN. Oh, so you do have slides? Where did you get them?

Mr. WAEGELL. I decline to answer on all the grounds previously stated.

(Document marked "Waegell Exhibit No. 1" and retained in committee files.)

The CHAIRMAN. You know, technically, you are not entitled to that.

Mr. NITTLE. We understand that you, while in Cuba, took a number of photographs with your camera. Is that the camera with which you took some of your photographs in Cuba?

Mr. WAEGELL. I decline to answer on grounds previously stated.

Mr. NITTLE. Apparently your travel to Cuba was misapprehended initially by the Cuban officials. We understand that you were arrested and placed in jail and later released. Did that incident occur?

Mr. WAEGELL. I decline to answer on grounds that it will incriminate me and also the first and fourth and fifth amendments and all other grounds previously stated.

Mr. NITTLE. Will you tell us why the Cuban Government eventually released you?

Mr. WAEGELL. I decline to answer on grounds previously stated.

Mr. NITTLE. Were any representations made on your behalf to the Cuban Government by an organization in the United States?

Mr. WAEGELL. I decline to answer on grounds previously stated.

Mr. NITTLE. Were any representations made on your behalf by the Fair Play for Cuba Committee?

Mr. WAEGELL. I decline to answer on grounds previously stated.

Mr. NITTLE. Was your identity established to the satisfaction of the Cuban authorities by any representative of the Fair Play for Cuba Committee?

Mr. WAEGELL. Will you repeat that question?

Mr. NITTLE. Was your identity established in Cuba to the satisfaction of the Cuban authorities by any member of the Fair Play for Cuba Committee, which resulted in your release?

Mr. WAEGELL. I decline to answer on the grounds previously stated.

Mr. NITTLE. Would it be correct to say from your own experience that the Cuban authorities do not permit Americans there unless they come especially qualified in some way, or bearing a recommendation from some particular source, that would be acceptable to the Cuban Government?

Mr. WAEGELL. You could ask the Cuban authorities who, why, and how they let people in. I decline to answer on the grounds previously stated.

Mr. NITTLE. We prefer first-hand experience.

Do you refuse to respond?

Mr. WAEGELL. I have given my answer.

Mr. NITTLE. Well, now, Exhibit 1 is, of course, a flier, as I have said, issued by the Fair Play for Cuba Student Council.

Are you a member of the Fair Play for Cuba Student Council?

Mr. WAEGELL. I decline to answer on the grounds previously stated.

Mr. NITTLE. What knowledge do you have of the objectives of the Fair Play for Cuba Student Council?

Mr. WAEGELL. People have the right to have membership in any organization. It's guaranteed them under the Constitution, the freedom of assembly.

Mr. NITTLE. We recognize that people may belong to certain organizations. That does not mean that Congress does not have the right to inquire into certain organizations.

Mr. WAEGELL. I decline to answer on the grounds previously stated.

Mr. NITTLE. Did you volunteer your services to the Fair Play for Cuba Student Council to make the address announced in the flier?

Mr. WAEGELL. Are we afraid of ideas?

Mr. NITTLE. We have some concern about Soviet missiles implanted in Cuba. Are you afraid that Soviet missiles—

The CHAIRMAN. Now, wait. Answer the question.

Mr. WAEGELL. I have some apprehension about troops in Vietnam, American troops in Vietnam.

I decline to answer on grounds previously stated.

Mr. NITTLE. Are you concerned about Communist troops in North Korea?

Mr. WAEGELL. I decline to answer on grounds previously stated.

Mr. NITTLE. The committee's investigation also discloses that while in Cuba you attended the conference of the International Union of Students, which was held in Havana in the latter part of May and the early part of June 1961. The committee has information that you attended the conference as a delegate from the United States.

Did you attend that conference as a delegate from the United States?

Mr. WAEGELL. I decline to answer on grounds previously stated.

Mr. NITTLE. Did you attend the conference of the International Union of Students for the purpose of giving support to its objectives?

Mr. WAEGELL. I decline to answer on grounds previously stated.

Mr. NITTLE. A report of the Committee on Un-American Activities dated April 17, 1947, described the International Union of Students as a Communist-controlled, international front organization, created at a Moscow-directed meeting held in Prague on August 17 to 31 in the year 1946 under the sponsorship of the World Federation of Democratic Youth, another well-known, international Communist-front organization.

The Senate Internal Security Subcommittee of the Senate Judiciary Committee in Senate Docket 117 issued April 23, 1956, has likewise described the International Union of Students as an international Communist front.

Mr. Waegell, were you aware at the time of your attendance at the conference of the International Union of Students that it was operating as a front organization to enlist youth in support of objectives of the world Communist movement?

Mr. WAEGELL. I decline to answer on grounds previously stated.

Mr. NITTLE. If you did not attend that conference and truthfully said so, how could that possibly incriminate you?

Mr. WAEGELL. I decline to answer on all the grounds previously stated.

Mr. NITTLE. The Soviet news agency, Tass, in a May 28, 1961, dispatch about the International Union of Students meeting in Havana declared, and I now quote:

"Students are willing to set up an international students brigade and fight shoulder to shoulder with the Cubans against any aggression against Cuba,"

said participants in a session of the Executive Committee of the International Union of Students, IUS, which met in Havana.

Were you present at any session of the executive committee in which such views were presented or expressed?

Mr. WAEGELL. I decline to answer on all the grounds previously stated.

Mr. NITTLE. The Peking radio of Red China reported that the plenary session of the executive committee was attended by delegations from nearly 40 countries.

Would you tell us how many American students other than yourself were in attendance?

Mr. WAEGELL. Would you repeat that question?

Mr. NITTLE. I advised you that the Peking radio of Communist Red China had reported that, at the plenary session of the executive committee of the International Union of Students, there were in attendance delegates from over 40 countries. I want to ask you whether there were any American students known to you to be in attendance at the conference?

Mr. WAEGELL. I decline to answer on grounds previously stated.

Mr. NITTLE. Were you one of the American delegates to the International Union of Students conference?

Mr. WAEGELL. I decline to answer on grounds previously stated.

I would like to say this: It seems to me that the Federal Bureau of Investigation might do well to hire some new Jack Armstrongs. The chapter and verse seem to be rather irrelevant and erroneous.

And I decline to answer on grounds previously stated.

Mr. NITTLE. Let me ask you again, Were you in attendance at the conference of the International Union of Students in Havana, Cuba?

Mr. WAEGELL. I decline to answer on grounds previously stated.

Mr. NITTLE. Did you, while at the conference, express views similar to those that were reported by the Soviet news agency as being expressed in the conference, namely, that students are willing to set up an international students brigade to fight for Cuba? Did you or did you not express views similar to that to other students in the conference?

Mr. WAEGELL. I decline to answer on grounds previously stated.

Mr. NITTLE. Would you fight for Cuba?

[Laughter.]

Mr. NITTLE. Why do you hesitate in responding to that question, as an American citizen?

Mr. WAEGELL. If there is another war we are through.

The CHAIRMAN. Proceed, Counsel.

Mr. WAEGELL. I don't care which side I am on, I am dead.

Mr. NITTLE. Well, you also refused to—

Mr. WAEGELL. And I decline to answer.

Mr. NITTLE. —to comply with the Selective Service regulations during the Korean war, did you not?

Mr. WAEGELL. I decline to answer on grounds previously stated.

Mr. NITTLE. When you refused to comply with the Selective Service regulations and were sentenced on September 24, 1951, to 3 years in prison for your failure to do so, did you then entertain the same views with respect to war as you now do?

Mr. WAEGELL. I think it would have been rather nice that the Nazis who marched into Poland had refused to serve in the army,

or the Japanese who had bombed Pearl Harbor had refused to be drafted, and therefore I refuse to answer on the grounds previously stated.

[Applause.]

Mr. NITTLE. The Tass news agency further stated:

The session unanimously supported the proposal for setting up an international students brigade ready to fight against aggression on Cuba.

Did you participate in the approval of this proposal? Moscow says it was unanimous.

Mr. WAEGELL. I decline to answer on grounds previously stated.

Mr. NITTLE. When this proposal was adopted, supporting the setting up of an international students brigade "to fight against aggression on Cuba," was it clear to you at that time that, in fact, acts of Cuban or Soviet aggression might involve the United States in war with Cuba?

Mr. WAEGELL. It seems to me back in October we came pretty close to having it, and a funny thing is that everyone acknowledges that Khrushchev is a complete maniac, and yet Mr. Kennedy turns over him—to him the decision on whether or not we will have war or peace.

I decline to answer on grounds previously stated.

Mr. NITTLE. Was it not the objective of this proposal adopted at the International Union of Students conference to enlist student support from this hemisphere and, indeed, throughout the world against the United States?

Mr. WAEGELL. I decline to answer on grounds previously stated many times before.

Mr. NITTLE. The Tass Moscow broadcast further stated that the first plenary session of the executive committee of the International Union of Students was held May 26, 1961, and then a report was given by Pedro Alvarez¹ of Venezuela, who was the vice president of the International Union of Students. He analyzed the present situation in Latin America and, according to the Soviet news agency, which I now quote—

the speaker pointed out that domination of Latin American countries by U.S. imperialism leads to the steady deterioration of the living standards of the people.

Did you express similar views to any of the Latin American delegates in attendance at the conference?

Mr. WAEGELL. My beliefs are my business, and on that ground I refuse to answer and all other grounds previously stated.

Mr. NITTLE. In addition to the broadcast to the world by the Soviet Tass agency, a Peking radio report, dated Havana, June 3, 1961, declared that the plenary meeting of the International Union of Students executive committee, attended by delegates of nearly 40 countries, ended that day, that is, on June 3, after 9 days' work, and that:

Resolute support for the Cuban and other Latin American peoples struggle against U.S. imperialism was voiced in the general resolution on Latin America. * * *

The resolution on Cuba condemned the aggressive actions of U.S. imperialism against Cuba, and its attempts to use the Organization of American States to achieve its purpose.

¹ Full name: Pedro Francisco Alvarez Ibarra.

The Peking radio also quoted Venezuelan delegate Alvarez, vice president of the International Union of Students, as saying—

the students movement has begun to expose the real nature of the new policies of U.S. imperialism, such as Kennedy's Peace Corps, the Alliance for Progress program, and Food for Peace Plan. All this is nothing but continuation of the old imperialist policy toward Latin America.

Mr. Waegell, were you in attendance when such reports were made at that conference?

Mr. WAEGELL. I decline to answer on grounds previously stated.

Mr. NITTLE. Did you at any time, while such views were expressed, in any way indicate your opposition to that defamation and odious misrepresentation of American policy and objectives?

Mr. WAEGELL. The counsel has no right in prying into political beliefs of the individual, and on that ground I decline to answer, as well as all other grounds.

Mr. NITTLE. When did you return from Cuba?

Mr. WAEGELL. I decline to answer on grounds previously stated.

Mr. NITTLE. The committee's investigation discloses that you returned from Cuba sometime in July 1961. Do you wish to correct that statement?

Mr. WAEGELL. No—I decline to answer on grounds previously stated.

Mr. NITTLE. The investigation of the committee further reflects that you again visited Mexico in May of 1963.

Would you tell the committee whether you did so and, if so, for what purpose?

Mr. WAEGELL. Where people travel is their business, and I think it would be good if more people would travel through Latin America and see what goes on, and therefore I decline to answer on the grounds previously stated.

Mr. NITTLE. It is the committee's information that you at no time on or after January 16, 1961, possessed a United States passport validated for travel to Cuba.

If this information is not correct, or should you have any explanation to offer, the committee would be pleased to receive it.

Mr. WAEGELL. I decline to answer on grounds previously stated.

Mr. NITTLE. No further questions, Mr. Willis.

The CHAIRMAN. The witness is excused.

Call your next witness.

[Applause.]

The CHAIRMAN. I caution you people that there are many people outside who would like to be here and relieve you of your seats and take your place. I might well accommodate them.

Call your next witness.

Mr. NITTLE. Mr. Joseph Shapiro.

The CHAIRMAN. Please raise your right hand.

Do you solemnly swear that the testimony you are about to give before this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SHAPIRO. Yes.

The CHAIRMAN. Proceed, Counsel.

TESTIMONY OF JOSEPH ABRAM SHAPIRO, ACCOMPANIED BY
COUNSEL, ROBERT H. SHUTAN

Mr. NITTLE. Would you state your full name and residence for the record, please?

Mr. SHAPIRO. Joseph Abram Shapiro. My residence is 123 Scenic Road, Fairfax.

Mr. NITTLE. Are you represented by counsel?

Mr. SHAPIRO. I am.

Mr. NITTLE. Will counsel please identify himself?

Mr. SHUTAN. Robert H. Shutan, S-h-u-t-a-n. I practice law at 315 South Beverly Drive, Beverly Hills, California.

Mr. NITTLE. Mr. Shapiro, would you state the date and place of your birth?

Mr. SHAPIRO. October 29, 1942, San Francisco, California.

Mr. NITTLE. Would you relate the extent of your formal education, giving the dates and places of attendance at educational institutions and any degrees or certificates received?

Mr. SHAPIRO. I attended public schools in the State of California.

Mr. NITTLE. At what place?

Mr. SHAPIRO. I attended grammar school in Fairfax, California; high school in San Anselmo, California.

Mr. NITTLE. We can't hear you here. We request that you speak up.

Mr. SHAPIRO. I attended grammar school in Fairfax, California, and high school in San Anselmo, California.

Mr. NITTLE. What years were you in attendance in high school?

Mr. SHAPIRO. From September 1956 to June 1960.

Mr. NITTLE. Until June, 1950?

Mr. SHAPIRO. '60.

Mr. NITTLE. 1960?

Mr. SHAPIRO. Yes.

Mr. NITTLE. Did you thereafter attend the University of California?

Mr. SHAPIRO. Yes, I did.

Mr. NITTLE. Will you tell us the dates when you were in attendance at the University of California?

Mr. SHAPIRO. I attended the University of California, Santa Barbara branch, from September 1960 and presently I am enrolled there.

Mr. NITTLE. I beg your pardon. I can't hear you.

Mr. SHAPIRO. I am presently enrolled in the University of California, Santa Barbara branch.

Mr. NITTLE. You were enrolled in the University of California from September 1960?

Mr. SHAPIRO. In Santa Barbara, September 1960.

Mr. NITTLE. And how long were you in attendance there?

Mr. SHAPIRO. I am still registered. I am still enrolled there.

Mr. NITTLE. What?

Mr. SHAPIRO. I am still attending school there.

Mr. NITTLE. I see. You have been in attendance at the University of California at Santa Barbara from September 1960 to the present time?

Mr. SHAPIRO. No, I—no, I haven't.

Mr. NITTLE. What?

Mr. SHAPIRO. No, I haven't been in attendance.

Mr. NITTLE. There was a period when your education at the University of California was interrupted? Is that what you mean to say?

Mr. SHAPIRO. Yes. Exactly what I meant to say.

Mr. NITTLE. And did that interruption take place during the fall term in 1961?

Mr. SHAPIRO. I'd like to question the relevancy of that question.

Mr. NITTLE. Yes. I was going to ask you whether the interruption occurred because you were visiting in Cuba at that time.

Mr. SHAPIRO. I decline to answer that question on the ground of the first and fifth amendments.

Mr. NITTLE. I couldn't get your answer.

The CHAIRMAN. He invoked the first and fifth amendments.

Mr. NITTLE. Mr. Shapiro, the committee's investigation reveals that you, in fact, left Mexico City on September 1, 1961, on flight 465 of Cubana de Aviacion for Havana, Cuba. Is this true?

Mr. SHAPIRO. I decline to answer that question on the grounds previously stated.

Mr. NITTLE. Were you at any time, on or after January 16, 1961, in possession of a passport specifically validated or endorsed for travel to Cuba?

Mr. SHAPIRO. I decline to answer that question on the grounds previously stated.

Mr. NITTLE. It is the committee's information that on March 28, 1961, at San Francisco, California, you made application for United States passport and, in the application, you stated that you desired to travel for approximately 2 months for educational purposes, if time and money permitted, to Mexico, Nicaragua, Panama, and other Latin American and Central American countries. The means of transportation you proposed to utilize for that travel were set forth as "driving." You gave your approximate date of departure as July 1, 1961.

Did you drive to Mexico in September?

Mr. SHAPIRO. I decline to answer that question on the grounds previously stated.

Mr. NITTLE. At the time you made that application setting forth that you proposed to drive to certain specific countries, did you, in fact, intend to visit Cuba?

Mr. SHAPIRO. I decline to answer that question on the grounds previously stated.

Mr. NITTLE. Were you aware at the time that you made application for passport that the regulations of the Department of State prohibited travel to Cuba unless you possessed a United States passport specifically endorsed for such travel?

Mr. SHAPIRO. I decline to answer that question on the grounds previously stated.

Mr. NITTLE. We are informed by the Department of State that on March 29, 1961, you were issued at San Francisco, California, a United States passport No. B-065057; that this passport bore no specific endorsement or validation for travel to Cuba.

If this information is not correct, we would desire to have your correction or explanation.

Mr. SHAPIRO. Is that a question? Did you ask me a question?

Mr. NITTLE. I said, if that information was not correct, we would desire to have your correction or explanation, if you wish to give one.

Mr. SHAPIRO. Well, then there is no question.

Mr. NITTLE. Well, is that information correct or isn't it?

Mr. SHAPIRO. I decline to answer on the ground previously stated.

Mr. NITTLE. Mr. Shapiro, it is the committee's information that you neither applied for nor received a validation of passport for travel to Cuba on or after January 16, 1961, to the present time. Is this information correct?

Mr. SHAPIRO. I decline to answer on the grounds previously stated.

Mr. NITTLE. It is the committee's further information that you attended the Eighth World Youth Festival held in Helsinki, Finland, during the summer of 1962.

Were you in attendance at the festival at Helsinki?

Mr. SHAPIRO. I decline to answer that question on the grounds previously stated.

Mr. NITTLE. The International Preparatory Committee of the Eighth World Youth Festival, as was the case with prior festivals held periodically, was Communist dominated and controlled. Our investigation revealed that, although the World Youth Festivals are ballyhooed as democratic forums for advancing the aspirations of young people everywhere, they have been, in reality, devised and used as a medium for disseminating Communist propaganda and have been traditionally the scene for vicious attacks upon the United States.

Were you aware at the time of your attendance at the festival that the festival was organized for the purpose of advancing the objectives of the world Communist movement?

Mr. SHAPIRO. I decline to answer that question on the grounds previously stated.

Mr. NITTLE. Was it your purpose to support those objectives by your attendance at the festival?

Mr. SHAPIRO. I decline to answer that question on the grounds previously stated.

Mr. NITTLE. The Committee on Un-American Activities conducted an investigation and held hearings on the Eighth World Youth Festival at Helsinki, Finland, which were published and released by the committee on December 21, 1962.

The committee said, in part:

The USFC [United States Festival Committee] received help in recruiting delegates to Helsinki from a number of local Festival committees formed on college campuses in various cities throughout the country. Participants and leaders in some of these groups were either Communist Party members or openly favorable to Communist causes. The head of the San Francisco Festival Committee, for instance, was Patrick Hallinan, the son of Vincent Hallinan, candidate of the Communist-controlled Progressive Party for President of the United States in 1952.

Did you discuss the matter of your attendance at the Eighth World Youth Festival with Patrick Hallinan?

Mr. SHAPIRO. I decline to answer that question on the grounds previously stated.

Mr. NITTLE. Let me also state that the committee was very careful to point out, however, that although there is no doubt that the Eighth World Youth Festival was a Communist-controlled affair and the leadership of the American delegation was pro-Communist, the committee acknowledges, and its investigation disclosed, that by no means were all members of the American delegation either Communists or dupes of the Communists or pro-Communists.

As will be clearly seen in the reported findings of the committee and the testimony of witnesses, some exceedingly patriotic young people knowingly journeyed to that Communist-dominated festival for the purpose of defending the interests and prestige of the United States.

Did you travel to Helsinki for the purpose of defending the interests and prestige of the United States?

Mr. SHAPIRO. I decline to answer on the grounds previously stated.

Mr. NITTLE. No further questions, Mr. Chairman.

The CHAIRMAN. The witness is excused.

Call your next witness.

[Applause.]

Mr. NITTLE. Jon Joseph Read.

The CHAIRMAN. Will you please raise your right hand?

Do you solemnly swear that the testimony you are about to give before this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. READ. Yes.

The CHAIRMAN. Proceed with your questions.

TESTIMONY OF JON JOSEPH READ, ACCOMPANIED BY COUNSEL, PHILLIP CHRONIS

Mr. NITTLE. Would you state your full name and residence for the record, please?

Mr. READ. Yes. Jon J. Read, 1743½ Blake. That is in Berkeley 3, California.

The CHAIRMAN. Do you spell that R-e-a-d?

Mr. READ. R-e-a-d.

Mr. NITTLE. And your first name is spelled J-o-n, is that correct?

Mr. READ. J-o-n is correct.

Mr. NITTLE. Are you represented by counsel?

Mr. READ. Yes, I am.

Mr. NITTLE. Would counsel please identify himself for the record?

Mr. CHRONIS. Yes. I am Phillip Chronis, C-h-r-o-n-i-s. I am an attorney admitted to practice here in the State of California. My business address is 6331 Hollywood Boulevard, Hollywood 28, California.

Mr. NITTLE. Mr. Read, I ask you these questions for the purposes of identification.

Have you ever been known by, or have you ever used, any name other than Jon Joseph Read?

Mr. READ. No.

Mr. NITTLE. Would you state the date and place of your birth, please?

Mr. READ. March 1, 1935, in Los Angeles County.

Mr. NITTLE. Would you relate the extent of your formal education, giving the dates and places of attendance at educational institutions and any degrees or certificates received?

Mr. READ. I went to Daniel Freeman Elementary School, Inglewood Junior High School, Inglewood High School, Elk Grove Junior College, Covina Junior College, and University of California at Berkeley. I am not sure I can remember all the dates exactly.

Do you wish me to approximate, or is that sufficient?

Mr. NITTLE. Will you tell us when you were in attendance at the University of California at Berkeley?

Mr. READ. I believe it was '56 I started, and January of '61 that I completed studies for a bachelor's degree.

Mr. NITTLE. What is your present occupation?

Mr. READ. I prefer not to answer that question on the rights safeguarded for me by the first and fifth amendments of the Constitution.

Mr. NITTLE. Are you in the employ of the Fair Play for Cuba Committee?

Mr. READ. I refuse to answer that question on the grounds previously given.

Mr. NITTLE. You filed an application for a passport on August 22, 1962. At that time it appears as though you described your occupation as that of a "landscape designer."

Were you thus employed in August 1962?

Mr. READ. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Do you refuse to do so because, or for the reason that, any statement you have made in your application might have been incorrect?

Mr. READ. I refuse to answer on the grounds previously stated.

Mr. NITTLE. The official records indicate that at San Francisco on December 12, 1957, you applied for and were issued a United States passport No. 681992. In your application of that date you listed your occupation as that of a student and stated that you intended to visit Australia for 1 year.

How long did you remain in possession of passport No. 681992, which was issued to you in 1957?

Mr. READ. I refuse to answer that question on the grounds as previously stated.

Mr. NITTLE. Did you carry that passport, that 1957 passport, in your possession for travel to Mexico and Cuba in the spring of 1962?

Mr. READ. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Mr. Read, the committee's investigation discloses that you entered Mexico on March 3, 1962, and that you left Mexico City on May 14, 1962, for Havana, Cuba, by way of flight 465 of the Cubana Airlines.

Would you tell the committee whether you did depart from Mexico City on or about May 14, 1962, and travel to Cuba?

Mr. READ. I refuse to answer that question on the grounds I previously stated.

Mr. NITTLE. The committee's investigation further reveals that you returned to Mexico City from Cuba on June 18, 1962, on flight 464 of the Cubana Airlines.

Did you return to Mexico City from Cuba on or about that date?

Mr. READ. I refuse to answer that question on the grounds previously stated.

Mr. NITTLE. It is the committee's further information that, during the course of your May and June 1962 visit to Mexico and Cuba, you carried in your possession a United States passport, No. 681992, which was issued to you in 1957 and was, of course, invalid for travel to Cuba at the time our information indicates you traveled there.

However, did you have that expired passport in your possession in May and June 1962, in the course of your travel to Mexico and Cuba?

Mr. READ. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Would you tell the committee how many times you have visited Cuba since January 16, 1961? Did you visit Cuba more than once?

Mr. READ. I refuse to answer on the grounds I previously stated.

Mr. NITTLE. Subsequent to the May and June events which we have just discussed, the records of the State Department reveal that on the following August 22, 1962, you made application for a United States passport. I hand you a photostatic copy of that August 22, 1962, application subscribed and sworn to by one Jon J. Read, marked for identification as "Read Exhibit No. 1."

Is that your signature appearing thereon?

Mr. READ. I refuse to answer on the grounds previously stated.

(Document marked "Read Exhibit No. 1" and retained in committee files.)

Mr. NITTLE. You will observe that in the application you state your permanent residence to be 2415 West 81st Street, Inglewood 4, California. But you request in that application that the passport be mailed to "4913 78th Ave., West Lanham Hill, Maryland," in care of James Singer.

Were you then residing in Maryland and, if so, would you state what your employment or business was at that time?

Mr. READ. I refuse to answer that question on the grounds previously stated.

Mr. NITTLE. In the application of August 22, 1962, you indicate that the purpose of your application was to tour Europe. In the column where you are requested to list each country to be visited you placed a question mark followed by the words "Western Europe."

Would you tell the committee what countries you actually planned to visit at the time you filed that application?

Mr. READ. I refuse to answer on the grounds previously stated.

Mr. NITTLE. In the column of the application requesting information as to your proposed port of departure, you have likewise placed a question mark. You also placed a question mark in the column which requested information as to your means of transportation and proposed length of stay abroad.

Did you at the time of filing this application on August 22, 1962, actually have no plans in mind with respect to those matters?

Mr. READ. I refuse to answer on the grounds that I previously stated.

Mr. NITTLE. Based upon the official records in the State Department, it is indicated that a new passport bearing number C-607458 was issued to you the following day, namely, August 23, 1962.

You received that passport No. C-607458, Mr. Read, did you not?

Mr. READ. I refuse to answer on the grounds previously stated.

Mr. NITTLE. At the time that you filed the application, on August 22, 1962, did you, in fact, plan to travel to Cuba?

Mr. READ. I refuse to answer that question on the grounds previously stated.

Mr. NITTLE. Well, did you at any time after receipt of your passport on August 23, 1962, travel to Europe?

Mr. READ. I refuse to answer that question on the grounds previously stated.

Mr. NITTLE. I hand you a photostatic copy of page 6 of the official Communist publication, *The Worker*, dated September 11, 1962, marked for identification as "Read Exhibit No. 2."

I direct your attention there to the column "What's On," where it appears that Jon Read will speak as an eyewitness on Cuba, and it is stated that he is—and I now quote—"just back from Havana." The announcement states that you will speak at the Adelphi Hall, 74 Fifth Avenue, New York City. Contribution \$1, students 50 cents.

Are you not the Jon Read to which reference is made in *The Worker*?

Mr. READ. I refuse to answer that question on the grounds previously stated.

(Document marked "Read Exhibit No. 2" and retained in committee files.)

Mr. NITTLE. Mr. Read, when *The Worker* of September 11, 1962, reported the forthcoming eyewitness-in-Cuba lecture that was to be delivered by Jon Read, described as "just back from Havana," was reference made to a visit to Havana, Cuba, subsequent to August 23, 1962, or was reference, in fact, being made to your May-June visit previously discussed?

Mr. READ. Yes, in addition to my refusal to answer the previous question on the grounds of the first and fifth amendments, I am adding that this question is unintelligible.

Mr. NITTLE. Well, did you deliver the eyewitness account at the time and place as advertised in *The Worker*?

Mr. READ. I refuse to answer that question on the grounds previously stated.

Mr. NITTLE. The notice in *The Worker* does not indicate under whose auspices your report was to be delivered.

Would you tell us who made arrangements for you to speak at the Adelphi Hall, Fifth Avenue, New York City?

Mr. READ. I refuse to answer that on the grounds previously stated.

Mr. NITTLE. Were these arrangements made by any person known to you as, or whom you had reason to believe was, a member of the Communist Party?

Mr. READ. I refuse to answer that question on the grounds previously stated.

Mr. NITTLE. Were these arrangements made for you by any representatives of the Fair Play for Cuba Committee?

Mr. READ. I refuse to answer that on the grounds previously stated.

Mr. NITTLE. Are you a member of the Fair Play for Cuba Committee?

Mr. READ. I refuse to answer that on the grounds previously stated.

Mr. NITTLE. You are a member of the Fair Play for Cuba Committee, are you not?

Mr. READ. I have answered that question.

Mr. NITTLE. And were you not elected on April 15, 1963, to the position of executive board member of the Bay Area Fair Play for Cuba Committee?

Mr. READ. I refuse to answer that question on the grounds previously stated.

Mr. NITTLE. Is not the Bay Area Fair Play for Cuba Committee affiliated with the national organization titled "Fair Play for Cuba

Committee," of which the national director is presently Vincent Theodore Lee, a resident of New York, formerly of Tampa, Florida?

Mr. READ. I refuse to answer that question on the grounds previously stated.

Mr. NITTLE. Did you have any discussion or correspondence with Vincent Theodore Lee with respect to the delivery of your address at the Adelphi Hall in New York?

Mr. READ. I refuse to answer it on the grounds previously stated.

Mr. NITTLE. Did you receive any compensation from Vincent Theodore Lee?

Mr. READ. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Let me ask whether any of the expenses of your visit to Cuba were assumed by others than yourself?

Mr. READ. I refuse to answer that on the grounds previously stated.

Mr. NITTLE. Did you exhibit color slides on Cuba at the Adelphi Hall in New York?

Mr. READ. I refuse to answer that on the grounds previously stated.

Mr. NITTLE. Would you tell us whether you know from whom those slides were obtained?

Mr. READ. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Did you hold any employment at the time of your appearance at the Adelphi Hall in New York City?

Mr. READ. I refuse to answer that question on the grounds previously stated.

Mr. NITTLE. Have you delivered lectures on the subject of Cuba at other places in addition to your Adelphi Hall speech?

Mr. READ. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Mr. Read, will you tell us, Are you on a speaking tour in the employment of the Fair Play for Cuba Committee?

Mr. READ. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Mr. Read, I now hand you a copy of a flier issued in the early part of this year by an organization titled "The Militant Labor Forum," 563 16th Street, Oakland, California, marked for identification as "Read Exhibit No. 3."

It announces the presentation of an eyewitness account on Cuba by Jon Read, entitled "Cuba-Eyewitness Report, color slides and commentary on his visit—summer 1962," to be given Friday, April 19, 1963. The date given on the flier for the report is actually given as April 19, 1962, which is an obvious error.

Was your trip to Cuba correctly reported as occurring in the summer of 1962?

Mr. READ. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Did you provide this information to the Militant Labor Forum?

Mr. READ. I refuse to answer on the grounds previously stated.

(Document marked "Read Exhibit No. 3" and retained in committee files.)

Mr. NITTLE. Is not the Militant Labor Forum conducted by members of the Socialist Workers Party, a Communist Trotskyist splinter group?

[Laughter.]

Mr. READ. I refuse to answer on the grounds previously stated.

Mr. NITTLE. What is that?

Mr. READ. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Did you cause the advertisement of your speech at the Adelphi Hall to be placed in the Communist publication, *The Worker*?

Mr. READ. I refuse to answer on the grounds previously stated.

Mr. NITTLE. No further questions.

The CHAIRMAN. The witness is excused.

[Applause.]

The CHAIRMAN. Call your next witness.

Mr. NITTLE. Mrs. Irene Paull, please.

Mrs. PAULL. Sir, I have had to change counsel and I haven't had a chance to discuss the case with him yet, and I am asking if I could be seen tomorrow morning. Is that OK?

The CHAIRMAN. It certainly is. You are entitled to counsel.

Call your next witness.

Mr. NITTLE. Karl Weichinger, come forward, please.

The CHAIRMAN. Will you please raise your right hand?

Do you solemnly swear that the testimony you are about to give before this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WEICHINGER. Yes.

The CHAIRMAN. Proceed.

TESTIMONY OF KARL VLADIMIR WEICHINGER, ACCOMPANIED BY COUNSEL, DANIEL N. FOX

Mr. NITTLE. Will you state your full name and residence for the record, please?

Mr. WEICHINGER. My name is Karl Vladimer Weichinger. My residence is 622½ North Chandler Avenue, Monterey Court.

Mr. NITTLE. Are you represented by counsel?

Mr. WEICHINGER. Yes, I am.

Mr. NITTLE. Will counsel kindly identify himself for the record?

Mr. FOX. I am Daniel N. Fox. I am an attorney with offices at 632 North Park Avenue in Pomona, California.

Mr. NITTLE. Mr. Weichinger, did you, from the period 1952 to May 1956, reside at 116 South Alexandria Avenue, Los Angeles, California?

Mr. WEICHINGER. What is the relevancy of this question?

Mr. NITTLE. For purposes of identification.

Mr. WEICHINGER. Yes, I did.

Mr. NITTLE. Prior to residing in California, did you, for the period 1948 to May 1952, reside in Sea View, State of Washington?

Mr. WEICHINGER. What is the relevancy of this question?

Mr. NITTLE. The same purpose.

Mr. WEICHINGER. What same purpose?

Mr. NITTLE. Purpose of identification.

Mr. WEICHINGER. Yes, I did.

Mr. NITTLE. Where have you resided since May of 1956?

Mr. WEICHINGER. What is the relevancy of this question?

Mr. NITTLE. For purposes of identification.

Mr. WEICHINGER. In and around the Los Angeles area.

Mr. NITTLE. To the present time?

Mr. WEICHINGER. Yes, sir.

Mr. NITTLE. Would you state the date and place of your birth?

Mr. WEICHINGER. March 25, 1932, Cleveland, Ohio.

Mr. NITTLE. Are you the husband of Jovita Lopez Weichinger?

Mr. WEICHINGER. I don't understand the relevancy of this question, either.

Mr. NITTLE. The purpose of that is to determine whether you and Jovita Lopez Weichinger are husband and wife in fact. If we find you are husband and wife, I will be obliged to refrain from questioning you with respect to her activities.

Mr. WEICHINGER. Yes, we are husband and wife.

Mr. NITTLE. That fact has to be established prior to your receiving the benefit of that privilege.

Would you relate the extent of your formal education, giving the dates and places of attendance at educational institutions and any degrees received?

Mr. WEICHINGER. I have attended public schools in the State of Illinois and Washington.

Mr. NITTLE. Were you graduated from the Ilwaco High School, Ilwaco, State of Washington, in the year 1948?

Mr. WEICHINGER. Yes, I was.

Mr. NITTLE. Did you thereafter attend the University of Chicago?

Mr. WEICHINGER. I feel that the line of questioning that the counsel is taking is beginning to infringe upon my rights of free speech guaranteed me under the first amendment of the Constitution and also my rights guaranteed to me under the fifth amendment of the Constitution, and I respectfully refuse to answer this question or any further questions put to me by the committee.

Mr. NITTLE. Mr. Weichinger, it is the committee's information that you, in fact, attended the University of Chicago for a period of about 3 years, that while there you majored in chemistry, and that you left the university in January of 1952.

If we have made any error, we desire to have any correction you may wish to offer.

Mr. WEICHINGER. I respectfully decline to answer the question on the same grounds as I mentioned previously.

Mr. NITTLE. What is your present occupation?

Mr. WEICHINGER. I respectfully decline to answer the question, as I have mentioned, and any further questions, on the basis that I have previously stated, based upon my rights under the first and fifth amendments of the Constitution.

Mr. NITTLE. Are you in possession of a United States passport?

Mr. WEICHINGER. I decline to answer the question on the reasons stated previously.

Mr. NITTLE. It is the committee's information that you are not in possession of a United States passport, nor were you at any time on or after January 16, 1961, until the present time in possession of a passport, specifically endorsed or validated for travel to Cuba.

Has any error been made in this statement?

Mr. WEICHINGER. Your statement or your question? I didn't understand that.

Mr. NITTLE. Well, were you at any time on or after January 16, 1961, to the present time in possession of a passport specifically validated for travel to Cuba?

Mr. WEICHINGER. I decline to answer your question on the basis of the reasons previously stated.

Mr. NITTLE. The committee's investigation discloses that you departed for Cuba in December 1961 and, after visiting there, returned to the United States on or about January 22, 1962.

Did you, in fact, visit Cuba in December of 1961 and return to the United States on January 22, 1962?

Mr. WEICHINGER. I decline to answer that question on the basis of the reasons previously stated.

Mr. NITTLE. Did you visit Cuba in the company of any person or persons other than your wife?

Mr. WEICHINGER. I decline to answer the question on the basis of the reasons previously stated.

Mr. NITTLE. Mr. Weichinger, the committee has received information that you were a member of the Communist Party while in attendance at the University of Chicago. Therefore, we should like to inquire whether you were, in fact, a member of the Communist Party while in attendance at the University of Chicago?

Mr. WEICHINGER. As I stated previously, I feel these questions and all of these questions are infringements upon my rights of free speech and free thought, and I decline to answer these questions and any similar question on the basis of the first and fifth amendments of the Constitution.

Mr. NITTLE. The committee's investigation also discloses that you have been an active member of the Labor Youth League, Los Angeles County, California. You have been in attendance at its meetings, particularly its Marxist Study Groups, so-called, for a period prior to and immediately preceding the alleged dissolution of that organization in 1957.

Were you at any time prior to 1957 a member of the Labor Youth League?

Mr. WEICHINGER. I decline to answer that question on the basis of the reasons previously stated.

Mr. NITTLE. The Labor Youth League formally came into being at a conference or convention held in Chicago, Illinois, on May 28 and 29, 1949. Attorney General J. Howard McGrath, in a letter to the Loyalty Review Board, released as early as August 30, 1950, declared the Labor Youth League to be a Communist organization, a successor organization to earlier Communist groups known as the Young Communist League and American Youth for Democracy.

The Subversive Activities Control Board, after extensive hearings, entered its order on February 15, 1955, requiring the Labor Youth League to register as a Communist-front organization. In its findings, the Board specifically found the Labor Youth League to have been created and controlled by the Communist Party and used to promote and carry out important party objectives.

Mr. Weichinger, the committee's investigation discloses that you continued your membership and attendance at said Labor Youth League meetings for a period after these findings were announced and until the year 1957.

Were you not aware of the prior findings with respect to the Labor Youth League by the Attorney General and the Subversive Activities Control Board?

Mr. WEICHINGER. I decline to answer the question on the basis of the reasons previously stated.

Mr. NITTLE. Do you not have personal knowledge that the Labor Youth League was a Communist organization?

Mr. WEICHINGER. I decline to answer the question on the basis of the reasons previously stated.

Mr. NITTLE. I call your attention to a meeting celebrating May Day, sponsored by the United May Day Committee, which was held on Friday, May 4, 1956, at the Embassy Auditorium, Ninth and Grand Streets, in Los Angeles, here. Approximately 1,200 people were in attendance, including representation by the Labor Youth League.

The committee's investigation disclosed that you were in attendance there as a member of the Labor Youth League. Were you in attendance at that meeting?

Mr. WEICHINGER. I decline to answer the question on the basis of reasons previously stated.

Mr. NITTLE. Were you seated in the north balcony of the auditorium?

Mr. WEICHINGER. I decline to answer that question on the basis of reasons previously stated.

Mr. NITTLE. Frank Alexander appeared as the chairman of this meeting. He spoke on the subject of May Day and what it stood for—and I think you know what it stands for and most of us here know what it stands for.

However, in the course of the meeting he said that the Communist Party was especially proud of "their own Labor Youth League" and that he wanted to welcome them to this May Day rally. Now, upon those remarks being made, the entire north balcony of the auditorium rose and cheered, whereupon Mr. Alexander introduced Harriet Wilson as the Los Angeles County chairman of the Labor Youth League, and again the north balcony arose singing a chant, "Harriet is our leader."

Were you present and in attendance when the remarks were made by the chairman, Frank Alexander, that the Labor Youth League was the——

Mr. WEICHINGER. Besides considering the irrelevancy of all these types of questions, I see a slight smirk on your own face, and it is difficult to take some of these things seriously, the type of things you are saying. And, as I have indicated before, I feel the committee's interrogation of me is an infringement of my rights under the fifth amendment and the first amendment, guaranteeing to me my right to think and act and to speak. And, therefore, as I have indicated before, I respectfully decline to answer this question and any question similarly on the basis of those amendments to the Constitution.

Mr. NITTLE. One final question, Mr. Weichinger, and I won't smile when I ask this question.

Are you now a member of the Communist Party?

Mr. WEICHINGER. I respectfully decline to answer that question on the basis of the reasons previously stated.

Mr. NITTLE. No further questions, Mr. Chairman.

The CHAIRMAN. Witness is excused.

[Applause.]

Mr. NITTLE. Mrs. Jovita Lopez Weichinger, please come forward.

The CHAIRMAN. Will you please raise your right hand?

Do you solemnly swear that the testimony you are about to give before this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. WEICHINGER. I do.

The CHAIRMAN. All right. Proceed.

**TESTIMONY OF JOVITA LOPEZ WEICHINGER, ACCOMPANIED BY
COUNSEL, DANIEL N. FOX**

Mr. NITTLE. Would you state your full name and residence for the record, please?

Mrs. WEICHINGER. Jovita Weichinger.

Mr. NITTLE. Are you represented by counsel?

Mrs. WEICHINGER. Yes, I am.

Mr. NITTLE. Would counsel identify himself for the record, please?

Mr. Fox. Counsel is Daniel N. Fox, attorney, practicing at 632 North Park Avenue, Pomona, California.

Both Mr. and Mrs. Weichinger are represented also by co-counsel, Mr. Bennet Olan of Beverly Hills, California, who is unable to remain this late in the day.

Mr. NITTLE. Mrs. Weichinger, you are the wife of the preceding witness, Karl Vladimer Weichinger; are you not?

Mrs. WEICHINGER. Yes, I am.

Mr. NITTLE. Would you state the date and place of your birth, please?

Mrs. WEICHINGER. February 15, 1934, in San Antonio, Texas.

Mr. NITTLE. What was your reply as to the place? I'm sorry. I couldn't hear you.

Mrs. WEICHINGER. February 15, 1934, San Antonio, Texas.

Mr. NITTLE. Would you relate the extent of your formal education, please?

Mrs. WEICHINGER. I attended grammar school in San Antonio, Texas, Davy Crockett School, and then I went to my eighth grade in San Antonio.

Mr. NITTLE. The committee's investigation, Mrs. Weichinger, discloses that you, together with your husband, have visited Cuba in or about December 1961 and that you returned to the United States on or about January 22, 1962. I am not asking you to testify with respect to your husband's activities. I merely stated that information for the record.

I wish to inquire whether you personally, in fact, visited Cuba during that period?

Mrs. WEICHINGER. I decline to answer this question, basing myself on advice of my counsel, my individual advice, and privileges contained in the fifth amendment of the Constitution.

Mr. NITTLE. It is the committee's information that you did not at any time on or after January 16, 1961, possess any United States passport and, of course, possessed no passport validated or endorsed for travel to Cuba.

If this information is not correct, or should you have any explanation you desire to offer, the committee would like to have it.

Mrs. WEICHLINGER. I decline to answer the question, basing myself on the advice of my counsel and the rights contained in the fifth amendment to the Constitution.

Mr. NITTLE. Were you aware during the period of your travel to Cuba, or during the dates December 1961 and January 1962, that it was contrary to laws and regulations of the United States to travel to Cuba without a passport validated for such travel?

Mrs. WEICHLINGER. I refuse to answer on the same grounds.

Mr. NITTLE. No further questions, Mr. Chairman.

The CHAIRMAN. Witness excused.

[Applause.]

The CHAIRMAN. The committee will stand in recess until tomorrow morning at 9:30.

(Whereupon, at 5:35 p.m., Monday, July 1, 1963, the subcommittee recessed, to reconvene at 9:30 a.m., Tuesday, July 2, 1963.)

VIOLATIONS OF STATE DEPARTMENT REGULATIONS AND PRO-CASTRO PROPAGANDA ACTIVITIES IN THE UNITED STATES

Part 2

TUESDAY, JULY 2, 1963

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Los Angeles, California.

PUBLIC HEARINGS

The subcommittee of the Committee on Un-American Activities met, pursuant to adjournment, at 9:30 a.m., in Room 518, U.S. Post Office Building, Los Angeles, Calif., Hon. Edwin E. Willis (chairman) presiding.

Subcommittee members: Representatives Edwin E. Willis, of Louisiana; William M. Tuck, of Virginia; and August E. Johansen, of Michigan.

Subcommittee members present: Representatives Willis, Tuck, and Johansen.

Committee member also present: Representative John M. Ashbrook, of Ohio.

Staff members present: Francis J. McNamara, director; Alfred M. Nittle, counsel; and William A. Wheeler, investigator.

The CHAIRMAN. The subcommittee will please come to order.

Mr. ASHBROOK. Mr. Chairman, could I be recognized for a moment?

The CHAIRMAN. Yes. I am delighted to recognize the gentleman.

Mr. ASHBROOK. Mr. Chairman, as the only member of this committee who is not officially a member of the subcommittee, first, I would like to comment on my first visit in the field with this committee.

I want to commend the chairman for his tact and patience in handling the situation we have here. It's general public knowledge that there has been opposition to these hearings, but I would like the record to show, in addition, that there has also been widespread support of these hearings.

I have been contacted by Mr. Tom L. Hoag of the Counter-Subversion Commission of the American Legion, Department of California, who has given to me Resolution 63-668 commending both the chairman, the purpose of this committee, and the conduct of these hearings.

I would like to ask unanimous consent that the record show this resolution and that it be included in the hearings as we have had them.

The CHAIRMAN. Without objection, the resolution will be received.
(The resolution follows:)

American Legion, Department of California, Resolution No. 63-668. Subject: Commendation and Support of House Committee on Un-American Activities.

Whereas, the House Committee on Un-American Activities has for over twenty years performed an invaluable service to the people of the United States of America through hearings in connection with problems on National Security and international subversion, and

Whereas, no other governmental agency has been subjected to more prolonged abuse and unwarranted attack and harassment, and

Whereas, the plane upon which matters have been conducted in the past has been in a most gentlemanly and exemplary manner.

NOW, THEREFORE, BE IT RESOLVED that The American Legion, Department of California, in convention assembled June 27-30, 1963, does commend, on the eve of the hearing to be held in Los Angeles on July 1 and 2, the said committee and pledge its full support and wish it Godspeed in the orderly transaction of their established and duly constituted legislative responsibilities, and

BE IT FURTHER RESOLVED that it is our belief that these hearings will safeguard and protect our National Security against those who give aid and comfort to the cause of Communism and Castro's Cuba.

The CHAIRMAN. Call your first witness, Counsel.

Mr. NITTLE. Would Mrs. Jean Kidwell Pestana please come forward?

Jean Kidwell Pestana.

The CHAIRMAN. Call the next one.

Mr. NITTLE. Frank S. Pestana. Would Frank S. Pestana please come forward?

Would Frank S. Pestana please come forward?

The CHAIRMAN. Have these witnesses been summoned? Do we have a return on the subpoenas?

Mr. NITTLE. Yes, sir.

The CHAIRMAN. Were they here yesterday, do you know?

Mr. WHEELER. No, I don't know.

The CHAIRMAN. Well, they were notified to be here this morning?

Mr. WHEELER. They were notified to be here yesterday.

The CHAIRMAN. Yesterday and this morning. And we have a return on the subpoenas?

Mr. WHEELER. Yes.

The CHAIRMAN. We will defer hearing from them for a reasonable length of time before acting on the failure to respond to the subpoenas.

Mr. NITTLE. Would Irene Paull please come forward?

The CHAIRMAN. Will you please raise your right hand?

Do you solemnly swear that the testimony you are about to give before this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. PAULL. I do.

TESTIMONY OF IRENE PAULL, ACCOMPANIED BY COUNSEL, HUGH R. MANES

The CHAIRMAN. Would you state your full name and residence for the record, please?

Mrs. PAULL. My name is Irene Paull. I live in San Francisco, but I want to ask you something. I am a single woman living alone, and I see no point in giving my address, making it public, when you already have it, because I know that I will be subjected to harass-

ment by crackpots and cranks, and think maybe even physical harm, and I have already been subjected to enough anguish and harassment and invasion on my privacy, so why is it necessary to cause me more?

The CHAIRMAN. This is part of the usual identification evidence proper in all hearings of this type. So, to come to the point, the Chair directs you to answer the question.

Mrs. PAULL. I want to make a request to you for an executive session, then, to protect my rights and, furthermore——

The CHAIRMAN. I think the usual thing is for the record to show identification. I again direct you to answer the question.

Mrs. PAULL. My address is 2063 28th Avenue, San Francisco. But, apparently, it's obvious——

The CHAIRMAN. Well, now, that is enough. You will be permitted to present your motion. The next step is to be sure you are represented by counsel.

I say that because yesterday I granted you a continuance until you could obtain counsel. We want to be sure that you are represented by counsel.

Mr. NITTLE. Mrs. Paull, is your name listed in the telephone directory?

Mrs. PAULL. Yes, it is.

Mr. NITTLE. And your residence is given in that publicly?

Mrs. PAULL. Yes.

The CHAIRMAN. She has given her address.

Mr. NITTLE. I see. Now, are you represented by counsel?

Mrs. PAULL. Yes, I am.

Mr. NITTLE. Would counsel kindly identify himself for the record?

Mr. MANES. Hugh Manes, M-a-n-e-s, 1680 North Vine Street, Hollywood 28, California, Suite 700. I am an attorney, practicing law at that office.

Mr. NITTLE. Would you state the date and place of your birth, Mrs. Paull?

Mrs. PAULL. I was born in Duluth, Minnesota, in April 1908.

Mr. NITTLE. How long did you continue to reside in Duluth, Minnesota?

Mrs. PAULL. I resided there until the death of my husband in about 1947.

Mr. NITTLE. Would you relate the extent of your formal education?

Mrs. PAULL. I again here ask for an executive session pursuant to my former request. I don't see any relevancy to my education.

Mr. NITTLE. I ask for a direction, Mr. Chairman.

The CHAIRMAN. You ask for an executive session on what basis? Is it on the basis of the requests that were made yesterday, based particularly on Rule XI, subsection 26(m) of the House?

Mrs. PAULL. Yes.

The CHAIRMAN. Well,——

Mrs. PAULL. And also the fourth and fifth amendments of the Constitution.

The CHAIRMAN. Well, you were here yesterday, and that is evident because you were granted a continuance until today, and you heard my ruling on similar requests. And without the necessity of repetition of the reasons for denying your motion, I point out particularly that the rule of the House to which you refer and which forms the primary basis of your request is not applicable in this situation, and

your other grounds are likewise not properly founded and, therefore, your request for an executive session is denied.

Proceed.

Mr. NITTLE. What is your present occupation?

Mrs. PAULL. I have no occupation right now. I am unemployed.

Mr. NITTLE. When were you last employed?

Mrs. PAULL. Just before I came down to the hearings.

Mr. NITTLE. Would you relate your principal employment during the past 20 years?

Mrs. PAULL. What is the relevancy of that?

Mr. NITTLE. It is for purposes of background information.

Mrs. PAULL. What kind of background information are you seeking? For what purpose and what is its relevancy?

Mr. NITTLE. I asked what were your principal employments during the past 20 years.

Mrs. PAULL. But I ask the same question. I mean, what is the purpose of that question?

Mr. NITTLE. What was your last employment?

Mrs. PAULL. I was a secretary.

Mr. NITTLE. At what other positions have you been employed during the past 20 years?

Mrs. PAULL. Mother, wife.

Mr. NITTLE. Were you at any time employed by the Communist Party?

Mrs. PAULL. I decline to answer for the following reasons: First, the mandate of this committee, on its face and as applied, impinges on the first amendment rights of all citizens to freedom of expression, association, and press and to petition the Government for a redress of grievances.

Second, the mandate of this committee is so broad and so vague that it fails to provide adequate standards for determining the constitutional limits of its authority, thereby leaving the scope of its inquiry to the whim or caprice of its members, while depriving the citizens of fair notice of the relevance or propriety of this inquiry.

Third, the announced subject matter of this investigation transgresses upon the people's freedom to travel and to become informed and enlightened in order to more effectively govern themselves. This investigation unconstitutionally arrogates to Government a right retained exclusively by citizens to go and see what, when, and where they please. And, most importantly, this investigation has the aim and effect of abridging the right of citizens to seek and discover for themselves the truth concerning conditions and events in other lands and making their own independent judgment as to what ideas found there, if any, will be useful in promoting their own destiny, a determination which the Constitution vests not in Government, but in the true rulers of this country, the people.

Fourth, the question asked is not pertinent or relevant to the subject matter under investigation nor to the purported authority of this committee. The failure and refusal of this committee to conduct this inquiry in executive session violates Rule XI, 26(m), of this committee's mandate in that, among other things, the questions asked or to be asked of me seek evidence and testimony which tend or may tend to defame, degrade, and incriminate me. And further, because this public hearing has no legitimate legislative purpose, but is de-

signed and tends to expose me to economic, social, and political recrimination, ostracism, and to hold me and my ideas up to public obloquy and scorn, and infringes upon my constitutional rights of privacy, all in violation of the first, fourth, and fifth amendments to the United States Constitution.

And, sixth, this subcommittee is illegally constituted and without jurisdiction to conduct these proceedings for lack of a quorum as required by rule 26(h), in that two of its members represent States which deny to and abridge the franchise of Negro inhabitants, but which States have not been, and are not now, duly and lawfully apportioned in accordance with section 2 of the fourteenth amendment to the Federal Constitution.

And, eighth, the question compels me to testify against myself in violation of the fifth amendment to the United States Constitution.

The CHAIRMAN. Well, of course, we have already ruled on the suggested grounds for failure to answer this and other questions. But let it be noted in the record that the power of Congress to legislate in the field of Communist activities has never been doubted.

Here is a quotation from a passage of the United States Supreme Court decision by Justice Harlan. He said, in the *Barenblatt* case:

That Congress has wide powers to legislate in the field of Communist activity in this Country and to conduct appropriate investigations in aid thereof is hardly debatable. The existence of such power has never been questioned by this Court * * *.

Proceed.

Mr. NITTLE. Mrs. Paull, it is the committee's information that since July 21, 1959, you held a United States Passport No. 1728249; that you last made application for a renewal of it on October 27, 1960. Based upon that application, your passport was renewed by the Department of State on November 7, 1960.

Are you presently in possession of a United States passport issued to you in 1959 and which was renewed in 1960?

Mrs. PAULL. I cannot answer that question on the grounds previously stated.

The CHAIRMAN. Oh, yes, you can, if you wish to. Say you "decline" or that you "refuse to."

Mrs. PAULL. I refuse to answer that on the grounds previously stated.

Mr. NITTLE. In your application of October 27, 1960, for renewal of passport, you indicated that you planned to travel as a tourist to Italy, Egypt, Israel, France, and England for a period of about 8 months and that your date of departure was approximately December 1, 1960.

Did you at any time after receipt of your passport renewal travel to Italy, to Egypt, Israel, France, or England?

Mrs. PAULL. I refuse to answer that on the grounds previously stated.

Mr. NITTLE. At the time you filed your application on October 27, 1960, did you plan to visit any countries other than those that you said you intended to visit?

Mrs. PAULL. I refuse to answer that on the grounds previously stated.

Mr. NITTLE. Did you at that time plan to visit Cuba?

Mrs. PAULL. I refuse to answer that on the grounds previously stated.

Mr. NITTLE. Did you, in fact, visit Cuba at any time after November 7, 1960, the date of receipt of your passport?

Mrs. PAULL. I refuse to answer that on the grounds previously stated.

Mr. NITTLE. The committee's investigation discloses that you departed the United States at New York City on January 8, 1961, by British Overseas Airlines to Jamaica.

Did you at that time and by that means travel to the island of Jamaica?

Mrs. PAULL. Sir, what is the relevancy of that question in view of the time that the passport—that the ban went into effect according to your statement yesterday?

Mr. NITTLE. You are aware, are you not, of the subjects of investigation today?

Mrs. PAULL. That is exactly why I am asking the question.

Mr. NITTLE. Have you received a copy of the chairman's opening statement?

The CHAIRMAN. Well, she knows about it. She's asked the question, and you should really supply the answer.

Mr. NITTLE. Yes. We are investigating Communist propaganda activities in support of the Communist regime in Cuba and other Latin American countries and foreign travel undertaken by United States citizens acting on behalf of, or in the interest of, foreign Communist principals. This relates to your foreign travel.

Mrs. PAULL. I refuse to answer on the grounds previously stated.

Mr. NITTLE. The committee's investigation further discloses that you did, in fact, enter Cuba from Jamaica on January 18, 1961; that you remained in Cuba until March 6, 1961.

Did you visit Cuba during that period?

Mrs. PAULL. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Were you aware at that time that the United States had severed diplomatic relations with Cuba on January 3, 1961, just prior to your entry into Cuba?

Mrs. PAULL. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Were you aware at the time of your entry into Cuba that the United States State Department had adopted regulations on January 16, 1961, prohibiting travel to Cuba by United States citizens unless they possessed a passport specifically validated or endorsed for travel to Cuba?

Mrs. PAULL. How is that relevant, sir? According to your own question and according to the facts that I left on the—I ostensibly and allegedly left on the 8th, and the travel ban was made on the 6th—on the 16th, how was I to know on the 8th that the travel was to be—

Mr. NITTLE. I am not asking you how you were to know. I am asking you whether you knew in fact.

Mrs. PAULL. I decline to answer on the grounds previously stated.

Mr. NITTLE. Did you, while in Cuba, at any time make application to the Swiss Embassy there, which was then serving the interests of the United States, or did you communicate in any way with the Department of State to obtain a validation for your stay there?

Mrs. PAULL. I refuse to answer on the grounds previously stated.

Mr. NITTLE. You were aware that the Swiss Embassy was then serving United States interests in Cuba after the breach in diplomatic relations?

Mrs. PAULL. I decline to answer on grounds previously stated.

Mr. NITTLE. Will you tell us what your itinerary was after leaving Cuba on your return to the United States?

Mrs. PAULL. I decline to answer on the grounds previously stated.

Mr. NITTLE. How did you get back into the United States?

Mrs. PAULL. I decline to answer on the grounds previously stated.

Mr. NITTLE. You are aware, in view of the circumstances and the change in regulations, the passport regulations required that to return to the United States from Cuba you were required to be in possession of a passport specifically validated for that travel?

Mrs. PAULL. I decline to answer for the reasons previously stated.

Mr. NITTLE. Did you travel directly from Cuba to the United States, or did you return to the United States via any country of North or Central America?

Mrs. PAULL. I decline to answer for purposes—on the reasons previously stated.

Mr. NITTLE. Prior to your visit to Cuba, had you made any arrangements with representatives of the Communist Party in the United States to serve as a correspondent there for any of the party's publications and to contribute articles for Communist journals on the subject of Cuba?

Mrs. PAULL. I decline to answer for the reasons previously stated.

Mr. NITTLE. Did you agree to serve while in Cuba as a correspondent for the Communist Party publications, *People's World* and *Mainstream*?

Mrs. PAULL. Am I supposed to accept your characterization of the *People's World* and *Mainstream* as Communist? It's like asking a man, "When did you stop beating your wife?"

Mr. NITTLE. We think you would possess knowledge as to whether or not these are Communist publications. What is your knowledge on that subject?

Mrs. PAULL. I decline to answer for the reasons previously stated.

Mr. NITTLE. Now Mr. Wheeler will hand you a photostatic copy of page 5 of the Communist Party's West Coast publication, *People's World*, dated Saturday, January 28, 1961, marked for identification as "Paull Exhibit No. 1."

You will note the half-page article titled "'Yanqui' woman marches with builders of nation," carrying the dateline, Havana, and signed simply, "Irene."

The first paragraph of the article states:

Last night was one of the greatest experiences of my life. I saw 200,000 people in a demonstration of mass joy.

The committee's investigation discloses that you, Irene Paull, are the Irene who wrote that article. Did you, in fact, contribute that article to *People's World* while in Havana during the latter part of January 1961?

Mrs. PAULL. I find it a very interesting and moving article, sir, but I decline to answer on the basis of my grounds previously stated.

(Document marked "Paull Exhibit No. 1" and retained in committee files.)

Mr. NITTLE. Mr. Wheeler will hand you a photostatic copy of page 9 of the *People's World*, dated Saturday, February 25, 1961, marked for identification as "Paull Exhibit No. 2."

You will note an article there in bold type titled "Castro leads volunteers in harvesting sugar cane." This is also datelined Havana, and, in this instance, the name of the author appears at the end thereof in full as "IRENE PAULL."

The author, Irene Paull, writes in part, and I now quote from the article:

It was midnight, Saturday. Every alarm clock was set for 3:30 a.m., but nobody was asleep. Fidel was making a speech to the National Federation of Sugar Workers convention. He was having the time of his life and so were the sugar workers. From every open window on the patio came sustained echoes of shouts and laughter.

Mrs. PAULL. You read beautifully, Mr. Nittle.

Mr. NITTLE. And you write beautifully.

The CHAIRMAN. Proceed.

Mr. NITTLE (quoting further:)

"We understand unemployment is growing in the United States," Fidel was saying. "Well, let them come here! We'll find work for them. Let them send us their generals, their admirals, their bankers. Let them even send us their FBI. We'll put them to work in the canebrakes!"

said Fidel.

Are you not the Irene Paull who was the author of that article?

Mrs. Paull, can't you identify your writing?

Mrs. PAULL. I am examining it, sir, in order to identify it and answer your question.

Mr. NITTLE. You are examining it at considerable length.

Mrs. PAULL. I beg your pardon?

Mr. NITTLE. I don't mean to rush you, but I do think you could be a little more prompt.

Mrs. PAULL. I understand, Mr. Nittle, that this is my right, so I am taking it.

Mr. NITTLE. Did you write that article, Mrs. Paull? I think you have had an opportunity to examine it.

Mrs. PAULL. I decline to answer, sir, on the grounds previously stated.

(Document marked "Paull Exhibit No. 2" and retained in committee files.)

Mr. NITTLE. Were you in Cuba during the month of February 1961 when that article appeared?

Mrs. PAULL. I decline to answer on the same grounds.

Mr. NITTLE. Mr. Wheeler will also hand you a copy of the March 1962 issue of the Communist Party's cultural and literary magazine, titled *Mainstream*, marked for identification as "Paull Exhibit No. 3."

I direct your attention to an item on page 2 titled, "Among Our Contributors." It appears to be an editorial note as follows:

Irene Paull lives in San Francisco, California. Her poems and stories have been published in this country and Cuba. The sketch in this issue is based on her trip to Cuba in 1961.

The sketch to which that item refers was an article titled "Little Island of Megano," which appeared under your name in that issue of *Mainstream*.

Mrs. PAULL. I decline to answer on the grounds previously stated.

(Document marked "Paull Exhibit No. 3" and retained in committee files.)

Mr. NITTLE. Mr. Wheeler will hand you a photostatic copy of page 3 of the April 22, 1961, issue of *People's World*, marked for identification as "Paull Exhibit No. 4," an item titled "UNITARIAN CUBA MEETING SUNDAY." It's datelined in San Francisco and announces that the Unitarian Action for Social Justice will hold a Cuba meeting at 2:30 p.m., Sunday, 23, at YWCA, 1830 Sutter. It announces that: "Three speakers recently returned from Cuba will speak." Among those named is "Irene Paull, San Francisco writer."

Are you not the Irene Paull referred to in that item?

Mrs. PAULL. The implication of your question, Mr. Nittle, is that anyone who reports at a meeting—in this case the Unitarian meeting, apparently—on what he has seen and heard is someone, somehow guilty of a crime; and for that reason and for all other reasons previously stated, I decline to answer.

Mr. NITTLE. Were you correctly described as recently returning from Cuba?

Mrs. PAULL. I decline to answer on the grounds previously stated.

(Document marked "Paull Exhibit No. 4" and retained in committee files.)

Mr. NITTLE. Was it your purpose in visiting Cuba to obtain background so that you might serve more effectively as a propagandist in support of the Communist regime in Cuba?

Mrs. PAULL. The implication of your question, Mr. Nittle, is that anyone who tries to seek truth is a propagandist of some kind for some special purpose or reason.

Mr. NITTLE. Now, Mrs. Paull—

Mrs. PAULL. And for that reason and for all other reasons previously stated, I must decline to answer your question.

Mr. NITTLE. Let me request permission of the Chair for one moment to state to you what Mr. Justice Frankfurter said in the Communist Party decision of June 5, 1961:

Where the mask of anonymity which an organization's members wear serves the double purpose of protecting them from popular prejudice and of enabling them to cover over a foreign-directed conspiracy, infiltrate into other groups, and enlist the support of persons who would not, if the truth were revealed, lend their support, it would be a distortion of the First Amendment to hold that it prohibits Congress from removing the mask.

Mrs. PAULL. Mr. Nittle, are you propagandizing or are you asking a question?

The CHAIRMAN. Proceed.

Mr. NITTLE. Are you conducting your activities, such as have been related, in support of Cuba in response to Communist Party directives?

Mrs. PAULL. I refuse to answer on the grounds previously stated.

Mr. NITTLE. As a matter of fact, Mrs. Paull, have you not for over 25 years past been actively engaged in activities designed to support the objectives of the world Communist movement?

Mrs. PAULL. Sir, the opinions and the associations of people are protected by the Constitution; and on that ground and the grounds previously stated, I refuse to answer your questions.

Mr. NITTLE. Have you not for over 25 years past been actively engaged as a correspondent in writing for such Communist publications as the *Daily Worker*?

Mrs. PAULL. Sir, I have always believed in the freedom of the press for anybody who wants to say anything that is—that truth leads him to, and for that reason and for any—and for the reasons previously stated, I refuse to answer the question.

Mr. NITTLE. You have also traveled widely in support of the world Communist movement, have you not?

Mrs. PAULL. I refuse to answer that question on the grounds previously stated.

Mr. NITTLE. One of your latest exploits in that respect was reported in the September 29, 1962, issue of the *People's World* at page 3, a copy of which Mr. Wheeler will hand you, marked for identification as "Paull Exhibit No. 5."

An article is there titled "Two women report Oct. 6 on peace meets." That article reports that:

Two Bay Area women who participated in two peace conferences abroad this year will report on their experiences * * * at the Berkeley Finnish Hall, 1819 Tenth street, Berkeley.

It is there stated that:

Mrs. Anne Helenius of San Francisco, who attended the World Peace Congress in Moscow in June,¹ and Mrs. Irene Paull, also of San Francisco, who attended the World anti A and H Bomb Conference in Tokio in August, will give their impressions of the two events.

Now, that affair was being sponsored by the Jack London Club, described as a Finnish-American cultural group. An admission fee of 50 cents was charged.

The article further indicates that Mrs. Paull was one of only two Americans who walked 170 miles in a 21-day Japanese peace march that saw a total——

[Applause.]

Mr. NITTLE. —that saw a total——

The CHAIRMAN. May I say at this point that the Chair and the members of this committee are not unaware of the inspiration for these outbursts by certain people in the audience, and they may as well be warned that these outbursts will not be tolerated.

Go on.

Mr. NITTLE. It was pointed out that you are indicated as being one of two Americans who walked 170 miles in 21 days in a Japanese peace march that saw a total of 20,000 marchers converge on Tokyo from four directions.

Are you the Irene Paull to whom reference is made in the article?

Mrs. PAULL. The implication of your question, Mr. Nittle, is that somehow it's dirty or subversive or criminal to be for peace and to willingly walk your legs off against the future A- and H-bombs being dropped on the human race; and for that reason and for other reasons previously stated, I refuse to answer your question.

(Document marked "Paull Exhibit No. 5," and retained in committee files.)

Mr. NITTLE. Was it the purpose of your engaging in that activity to accomplish Communist objectives?

¹ This, apparently, refers to the World Congress for General Disarmament and Peace held in Moscow July 9-14, 1962.

Mrs. PAULL. I refuse to answer that question on the grounds previously stated.

Mr. NITTLE. And was that objective the influencing of the public in non-Communist countries not to resist Communist aggression, whether it's in Cuba or South Vietnam or Korea?

Mrs. PAULL. Are you asking my opinion in terms of what people do and how they express themselves?

Mr. NITTLE. I think the question is quite clear.

Mrs. PAULL. Then I——

Mr. NITTLE. The question relates to Communist activities.

Mrs. PAULL. I refuse to answer on the ground previously stated.

Mr. NITTLE. Were you not, in the late thirties, the Minnesota organizer of the Young Communist League?

Mrs. PAULL. What is the relevancy of that particular question?

The CHAIRMAN. That is part of the objectives of the hearing announced in the opening statement. Go on.

And the Chair directs you to answer the question.

Mrs. PAULL. Well, what is the relevancy in terms of the date?

The CHAIRMAN. Well, there is obviously continuity of action, and the Chair again directs you to answer the question.

Mrs. PAULL. I refuse to answer that question on the grounds previously stated.

Mr. NITTLE. Mrs. Paull, will you tell the committee when you first joined the Communist Party?

Mrs. PAULL. It's obvious by this question, sir, that you have called me here merely for the purpose of harassing me and holding me up to ridicule and obloquy, and on that ground and on other grounds previously stated, I refuse to answer your question.

Mr. NITTLE. Mrs. Paull, the committee has been reliably informed that you were formerly the Communist Party chairman in Duluth, Minnesota, during your residence there.

Were you the Communist Party chairman in Duluth, Minnesota?

Mrs. PAULL. I don't think that this committee has been properly informed because it isn't looking for the truth. It hasn't found the truth; it never will find the truth. And on that ground and all other grounds previously stated, I refuse to answer this question.

Mr. NITTLE. Well, now, Mrs. Paull, you have stated that the committee has not been reliably informed about your Communist Party chairmanship in Duluth, Minnesota. The source of the committee's information, or one of the sources of the committee's information to the fact that you were Communist Party chairman in Duluth, Minnesota, is no less an authority than that of Elizabeth Gurley Flynn, who is presently the national chairman of the Communist Party in the United States and has for many years been a leading Communist functionary.

I will ask Mr. Wheeler to hand you a photostatic copy of page 8 of the Communist *Daily Worker*, dated May 13, 1947, marked for identification as "Paull Exhibit No. 6."

And I direct your attention to the article titled "Labor Loses a Staunch Defender," dated at Duluth, Minnesota, under the by-line of Elizabeth Gurley Flynn.

In this 1947 article, she wrote as follows:

Sunday afternoon Comrade Martin Mackie, chairman of the Communist Party and I spent the afternoon with the Paull family. Henry—

that is your husband—

asked about the Dennis case—

and, incidentally, he was being prosecuted for conspiracy to advocate the violent overthrow of the Government of the United States and was convicted. I repeat:

Henry asked about the Dennis case and the chances to defeat the Un-American Committee. He and his wife Irene, who is chairman of the local C.P. [Communist Party] and who writes excellent short stories occasionally for *The Worker* and the *New Masses*, told us of the great joy they had in Paul Robeson's recent visit to Duluth.

Elizabeth Gurley Flynn describes you, Irene Paull, as chairman of the local Communist Party. Were you then, as Mrs. Flynn wrote, the chairman of the Communist Party in Duluth, Minnesota?

Mrs. PAULL. The purpose of bringing up this article, dated 1947, is simply to harass me, and for that reason and for other reasons previously stated, I refuse to answer this question.

(Document marked "Paull Exhibit No. 6" and retained in committee files.)

Mr. NITTLE. Now, Mrs. Paull, are you as of this moment a member of the Communist Party?

Mrs. PAULL. For reasons previously stated, I refuse to answer that question.

Mr. NITTLE. I will show you one last exhibit. It is a very large advertisement that appeared in the *Palo Alto Times* of April 25, 1961, which was caused to be inserted apparently under the sponsorship of the "Student Ad Hoc Committee Against U.S. Intervention in Cuba & Palo Alto Fair Play for Cuba Committee." The advertisement is titled "Petition on Our Policy Toward Cuba" and is addressed to President John F. Kennedy. You say there:

As citizens of the United States, what can we feel but shame? As citizens still dedicated to democracy and national independence for all countries, we are compelled to petition you to change our national policy toward Cuba. Evidence of official Central Intelligence Agency complicity in organizing, financing, and equipping the counter-revolutionary invasion of Cuba is too overwhelming to be dismissed. We are appalled, dismayed, and ashamed by our country's role in the invasion of Cuba. Your re-evaluation of this policy of intervention is imperative.

Among the petitioners appears the name "Irene Paull," and I will ask Mr. Wheeler to refresh your recollection with respect to that item by handing you a copy of it. I desire to ask whether you are the Irene Paull whose name is referred to there?

Mrs. PAULL. I thought that the first amendment protected the right of Americans to petition for redress of grievances. I remember from my American history that Thomas Jefferson even insisted that a citizen should insist on that right, and on that ground and for all other grounds previously stated, I refuse to answer that question.

(Document marked "Paull Exhibit No. 7 follows.)

[Faint handwritten notes or bleed-through from the reverse side]

THE UNIVERSITY OF CHICAGO PRESS

Petition on CUBA

As citizens of the United States, what can we feel but shame? As citizens, still dedicated to democracy and national independence for all countries, we are compelled to petition you to change our national policy toward Cuba. Evidence of official Central Intelligence Agency complicity in organizing, financing, and supporting the counter-revolutionary invasion of Cuba is too overwhelming to be denied. We are appalled, dismayed, and ashamed by our country's role in the domination of Cuba. Your revolution is its policy of interventionism repudiated.

Elizabeth Adams
 Carlotta S. Ad-
 vances
 J. T. Anderson
 George Anderson
 Alice Anderson
 Prof. Paul A. Aron
 Prof. David C. Barrett
 Dorothy M. Barrett
 Joseph W. Barker
 Carl Beckwith
 Virginia J. Bryant
 Jacob Burton
 Lucie Collins
 Donald H. Clay
 Louise Clares
 Robert J. Collier
 Paul Colton
 George Conroy
 J. M. Daniels
 Virginia Davidson
 Clara Dawson
 Elizabeth Easberry
 Elizabeth Easberry

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1893. 1894. 1895. 1896. 1897. 1898. 1899. 1900. 1901. 1902. 1903. 1904. 1905. 1906. 1907. 1908. 1909. 1910. 1911. 1912. 1913. 1914. 1915. 1916. 1917. 1918. 1919. 1920. 1921. 1922. 1923. 1924. 1925. 1926. 1927. 1928. 1929. 1930. 1931. 1932. 1933. 1934. 1935. 1936. 1937. 1938. 1939. 1940. 1941. 1942. 1943. 1944. 1945. 1946. 1947. 1948. 1949. 1950. 1951. 1952. 1953. 1954. 1955. 1956. 1957. 1958. 1959. 1960. 1961. 1962. 1963. 1964. 1965. 1966. 1967. 1968. 1969. 1970. 1971. 1972. 1973. 1974. 1975. 1976. 1977. 1978. 1979. 1980. 1981. 1982. 1983. 1984. 1985. 1986. 1987. 1988. 1989. 1990. 1991. 1992. 1993. 1994. 1995. 1996. 1997. 1998. 1999. 2000. 2001. 2002. 2003. 2004. 2005. 2006. 2007. 2008. 2009. 2010. 2011. 2012. 2013. 2014. 2015. 2016. 2017. 2018. 2019. 2020. 2021. 2022. 2023. 2024. 2025. 2026. 2027. 2028. 2029. 2030. 2031. 2032. 2033. 2034. 2035. 2036. 2037. 2038. 2039. 2040. 2041. 2042. 2043. 2044. 2045. 2046. 2047. 2048. 2049. 2050. 2051. 2052. 2053. 2054. 2055. 2056. 2057. 2058. 2059. 2060. 2061. 2062. 2063. 2064. 2065. 2066. 2067. 2068. 2069. 2070. 2071. 2072. 2073. 2074. 2075. 2076. 2077. 2078. 2079. 2080. 2081. 2082. 2083. 2084. 2085. 2086. 2087. 2088. 2089. 2090. 2091. 2092. 2093. 2094. 2095. 2096. 2097. 2098. 2099. 2100. 2101. 2102. 2103. 2104. 2105. 2106. 2107. 2108. 2109. 2110. 2111. 2112. 2113. 2114. 2115. 2116. 2117. 2118. 2119. 2120. 2121. 2122. 2123. 2124. 2125. 2126. 2127. 2128. 2129. 2130. 2131. 2132. 2133. 2134. 2135. 2136. 2137. 2138. 2139. 2140. 2141. 2142. 2143. 2144. 2145. 2146. 2147. 2148. 2149. 2150. 2151. 2152. 2153. 2154. 2155. 2156. 2157. 2158. 2159. 2160. 2161. 2162. 2163. 2164. 2165. 2166. 2167. 2168. 2169. 2170. 2171. 2172. 2173. 2174. 2175. 2176. 2177. 2178. 2179. 2180. 2181. 2182. 2183. 2184. 2185. 2186. 2187. 2188. 2189. 2190. 2191. 2192. 2193. 2194. 2195. 2196. 2197. 2198. 2199. 2200. 2201. 2202. 2203. 2204. 2205. 2206. 2207. 2208. 2209. 2210. 2211. 2212. 2213. 2214. 2215. 2216. 2217. 2218. 2219. 2220. 2221. 2222. 2223. 2224. 2225. 2226. 2227. 2228. 2229. 2230. 2231. 2232. 2233. 2234. 2235. 2236. 2237. 2238. 2239. 2240. 2241. 2242. 2243. 2244. 2245. 2246. 2247. 2248. 2249. 2250. 2251. 2252. 2253. 2254. 2255. 2256. 2257. 2258. 2259. 2260. 2261. 2262. 2263. 2264. 2265. 2266. 2267. 2268. 2269. 2270. 2271. 2272. 2273. 2274. 2275. 2276. 2277. 2278. 2279. 2280. 2281. 2282. 2283. 2284. 2285. 2286. 2287. 2288. 2289. 2290. 2291. 2292. 2293. 2294. 2295. 2296. 2297. 2298. 2299. 2300. 2301. 2302. 2303. 2304. 2305. 2306. 2307. 2308. 2309. 2310. 2311. 2312. 2313. 2314. 2315. 2316. 2317. 2318. 2319. 2320. 2321. 2322. 2323. 2324. 2325. 2326. 2327. 2328. 2329. 2330. 2331. 2332. 2333. 2334. 2335. 2336. 2337. 2338. 2339. 2340. 2341. 2342. 2343. 2344. 2345. 2346. 2347. 2348. 2349. 2350. 2351. 2352. 2353. 2354. 2355. 2356. 2357. 2358. 2359. 2360. 2361. 2362. 2363. 2364. 2365. 2366. 2367. 2368. 2369. 2370. 2371. 2372. 2373. 2374. 2375. 2376. 2377. 2378. 2379. 2380. 2381. 2382. 2383. 2384. 2385. 2386. 2387. 2388. 2389. 2390. 2391. 2392. 2393. 2394. 2395. 2396. 2397. 2398. 2399. 2400. 2401. 2402. 2403. 2404. 2405. 2406. 2407. 2408. 2409. 2410. 2411. 2412. 2413. 2414. 2415. 2416. 2417. 2418. 2419. 2420. 2421. 2422. 2423. 2424. 2425. 2426. 2427. 2428. 2429. 2430. 2431. 2432. 2433. 2434. 2435. 2436. 2437. 2438. 2439. 2440. 2441. 2442. 2443. 2444. 2445. 2446. 2447. 2448. 2449. 2450. 2451. 2452. 2453. 2454. 2455. 2456. 2457. 2458. 2459. 2460. 2461. 2462. 2463. 2464. 2465. 2466. 2467. 2468. 2469. 2470. 2471. 2472. 2473. 2474. 2475. 2476. 2477. 2478. 2479. 2480. 2481. 2482. 2483. 2484. 2485. 2486. 2487. 2488. 2489. 2490. 2491. 2492. 2493. 2494. 2495. 2496. 2497. 2498. 2499. 2500. 2501. 2502. 2503. 2504. 2505. 2506. 2507. 2508. 2509. 2510. 2511. 2512. 2513. 2514. 2515. 2516. 2517. 2518. 2519. 2520. 2521. 2522. 2523. 2524. 2525. 2526. 2527. 2528. 2529. 2530. 2531. 2532. 2533. 2534. 2535. 2536. 2537. 2538. 2539. 2540. 2541. 2542. 2543. 2544. 2545. 2546. 2547. 2548. 2549. 2550. 2551. 2552. 2553. 2554. 2555. 2556. 2557. 2558. 2559. 2560. 2561. 2562. 2563. 2564. 2565. 2566. 2567. 2568. 2569. 2570. 2571. 2572. 2573. 2574. 25

Mr. NITTLE. The Communist Party of the United States at its last national convention, which was held in December 1959 in New York City, adopted a resolution, its main political resolution. It called for "Hands Off Cuba," and "No Intervention in the Affairs of Latin America."

When you participated in the circulation of that petition, was it with the objective of giving support to that declaration of Communist policy to continue the maintenance of a Communist regime in Cuba, regardless of whatever acts of aggression may be committed by it toward the United States or other Latin American countries, and regardless of the fact that it is being used as a missile base for the Soviet Union, despite the fact that it is being used as a base for the subversion or attempted subversion of Latin America?

Mrs. PAULL. The obvious implication of your question is to smear anyone who questions American policy in Cuba or in any other country. And for that reason and on the grounds previously stated, I refuse to answer your question.

Mr. NITTLE. In the Communist Party case, Justice Douglas said:

If lobbyists can be required to register, if political parties can be required to make disclosure of the sources of their funds, if the owners of newspapers and periodicals must disclose their affiliates, so may a group operating under the control of a foreign power.

Do you understand the Communist Party of the United States to be operating under the control of a foreign power?

Mrs. PAULL. Sir, since when does an American have to register his opinions? Tell me that.

Mr. NITTLE. I am asking you a question.

Mrs. PAULL. Well, on the ground that I—are you asking for my opinion or asking a question?

Mr. NITTLE. I am asking you for your knowledge. You apparently have had a great deal of experience in the Communist Party and its operations. You have closely associated with Elizabeth Gurley Flynn, Eugene Dennis, Paul Robeson, and other members of the international conspiracy. You have been a correspondent for the *Daily Worker*, for *Mainstream*, *Masses* and *Mainstream*, and *New Masses*.

Mrs. PAULL. You have asked me the question——

Mr. NITTLE. I think you are an expert on the subject.

Mrs. PAULL. —about registration.

Mr. NITTLE. Is it your knowledge that the Communist Party——

Mrs. PAULL. I don't think any American has—anyone has the right to ask any American, any citizen, to register his private opinions, and on that ground and on all other grounds previously stated, I refuse to answer such a question.

Mr. NITTLE. No further questions, Mr. Chairman.

The CHAIRMAN. Witness is excused.

Call your next witness.

Mr. NITTLE. Mr. Willis, may I respectfully request a 5-minute recess?

The CHAIRMAN. The committee will stand in recess for 5 minutes.

(Whereupon, at 10:30 a.m., the subcommittee recessed until 10:55 a.m. of the same day.)

The CHAIRMAN. Please be seated. The committee will come to order.

You may call your next witness, Mr. Nittle.

Mr. NITTLE. Would Mrs. Jean Kidwell Pestana please come forward?

Mrs. PESTANA. I would like—

The CHAIRMAN. Please raise your right hand.

Mrs. PESTANA. At this time I would like to affirm.

The CHAIRMAN. That's all right.

Do you solemnly swear that the—

Mrs. PESTANA. I would like to affirm.

The CHAIRMAN. Well, do you solemnly swear or affirm that the testimony that you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PESTANA. Mr. Chairman, I think the witness has made it abundantly clear that she does not wish to swear. She wishes to affirm.

I suggest that you give her the proper oath.

The CHAIRMAN. Do you affirm that the testimony that you are about to give will be the truth, so help you God?

Mr. PESTANA. Again, that is not an affirmation. You have thrown in the last phrase, which is again in violation of her right to affirm.

The CHAIRMAN. Is the basis of her refusal the fact that she does not want the word "God" in the affirmation?

Mr. PESTANA. The basis of her refusal to all that is that she believes in the separation of state and church and that she wishes to have that separation maintained in accordance with the Constitution of the United States.

The CHAIRMAN. Do you affirm that the testimony you are about to give will be the truth and the whole truth and nothing but the truth?

Mrs. PESTANA. I do.

TESTIMONY OF JEAN ESTELLE KIDWELL PESTANA

Mr. PESTANA. At this time, Mr. Chairman, we would like to ask—

The CHAIRMAN. The committee—

Mr. PESTANA. Just a moment. I am making a suggestion, Mr. Chairman.

The CHAIRMAN. The counsel will ask his usual preliminary questions for identification before we hear from counsel or anybody else.

Mr. PESTANA. My question is preliminary and it may result in—

Mr. ASHBROOK. I suggest that counsel is out of order.

Mr. PESTANA. It is apparent—

The CHAIRMAN. Counsel is out of order as has been suggested. We don't even know who he is yet.

The witness is entitled to counsel, and we will not be deterred in following our usual procedure for identification before entertaining any motions or suggestions or ideas or filing of any statements. Therefore, Counsel, proceed.

Mr. PESTANA. Mr. Chairman, before we proceed, pictures are being taken here.

Mr. ASHBROOK. Mr. Chairman, I insist on order.

Mr. PESTANA. And I would like to ask the Chair to rule that pictures may not be taken without the consent of this witness.

The CHAIRMAN. That is absolutely correct, and there will be no pictures taken.

Now, proceed.

Mr. PESTANA. Mr. Chairman, ——

The CHAIRMAN. Now, proceed. I will not——

Mr. NITTLE. Mrs. Pestana, would you——

Mrs. PESTANA. At this time I would like to make a motion for a continuation on the grounds that I am not represented by counsel. I was represented and my counsel——

Mr. PESTANA. Well, ——

The CHAIRMAN. Well, who is the gentleman who has been making all the suggestions here? That is exactly what I said, that we didn't even know who he was.

Mrs. PESTANA. May I make my motion?

The CHAIRMAN. Now, since he is not the counsel, this gentleman is not your counsel——

Mrs. PESTANA. I was represented by counsel.

The CHAIRMAN. Is this gentleman your counsel? Is this gentleman your counsel?

Mrs. PESTANA. He is serving temporarily as my counsel.

The CHAIRMAN. All right.

Mrs. PESTANA. For the purpose of this motion alone. If you will permit me to proceed.

Mr. NITTLE. May we identify you first?

The CHAIRMAN. Wait a minute, wait a minute. Is witness saying, and only saying, that she wants a continuance because she has no counsel?

Mrs. PESTANA. I have no counsel. I was represented based upon representations of the counsel for this committee. My counsel was informed that it would be impossible for me to be called yesterday when he was in this city. He was also told——it was Mr. Melvin Belli. He prepared me in connection with this committee's——

The CHAIRMAN. And you have no counsel?

Mrs. PESTANA. And I have no counsel, and I would like a continuance for the purposes of obtaining such counsel.

The CHAIRMAN. Can you obtain counsel for later in the day?

Mrs. PESTANA. I will try. It will be inadequate in terms of preparation, but I will make such effort.

The CHAIRMAN. I suggest, therefore, that you reappear after the recess. I don't know exactly when that will be, but it will be announced about noon—that you return here promptly upon our reconvening after luncheon and inform the Chair and the committee whether you have a counsel. And until that time, the witness is excused.

Mr. NITTLE. Would Mr. Frank Pestana please come forward?

The CHAIRMAN. Please raise your right hand.

Mr. PESTANA. I wish to affirm.

The CHAIRMAN. Do you affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

Mr. PESTANA. I do.

The CHAIRMAN. Proceed, Counsel.

TESTIMONY OF FRANK SIMPLICIO PESTANA

Mr. PESTANA. At this time, Mr. Chairman——

The CHAIRMAN. Well, we will again go through the question of identification.

Are you represented by counsel?

Mr. PESTANA. I am only temporarily represented by counsel. My position is exactly that of Mrs. Kidwell. I also have Melvin Belli as counsel. He prepared me for this hearing and was told that it would be impossible for him to come in yesterday, even though he talked to Mr.——

The CHAIRMAN. All right.

Mr. PESTANA. —Nittle about this matter.

The CHAIRMAN. All right. The Chair makes the same ruling. You will return promptly upon reconvening after lunch and advise the Chair and the committee whether you have counsel, and then we will cross the next bridge when we come to it.

You are excused until that time.

Mr. PESTANA. Thank you.

Mr. NITTLE. John Allen Johnson.

Mr. JOHNSON. I am going to ask the same privilege regarding the photographers.

The CHAIRMAN. Well, you are not really under our jurisdiction until you have taken the oath.

Will you raise your right hand?

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JOHNSON. I do.

The CHAIRMAN. Now, you do object to the pictures?

Mr. JOHNSON. Yes.

The CHAIRMAN. Proceed, Mr. Counsel.

TESTIMONY OF JOHN ALLEN JOHNSON, ACCOMPANIED BY COUNSEL,
ROBERT J. SCHMORLEITZ

Mr. NITTLE. Would you state your full name and residence for the record, please?

Mr. SCHMORLEITZ. You wish me to identify myself as counsel for the witness?

The CHAIRMAN. No. He is addressing himself to the witness. I suppose you are, is that right?

Mr. NITTLE. Yes. This is addressed to the witness.

Mr. JOHNSON. My name is John Allen Johnson. My residence is 179 Los Angeles Boulevard, San Anselmo, California.

Mr. NITTLE. Are you represented by counsel?

Mr. JOHNSON. Yes, I am.

Mr. NITTLE. Would counsel kindly identify himself for the record, stating his name and office address?

Mr. SCHMORLEITZ. My name is Robert J. Schmorleitz; my offices are at 11044 McCormick Street in North Hollywood.

Mr. NITTLE. Mr. Johnson, you are known as John Allen Johnson and also as Allen Johnson, are you not?

Mr. JOHNSON. Yes. I have always gone by my middle name. Informally, I am known as Allen Johnson. Legally, I was christened John Allen Johnson.

Before I proceed, Mr. Chairman, I wish to renew my request to appear before an executive session—Mr. Chairman, I wish to renew my request to appear before an executive session of the committee.

The CHAIRMAN. Has he been identified?

Mr. NITTLE. Yes, sir, he has been.

The CHAIRMAN. All right.

Mr. JOHNSON. Now, I realize that the committee ruled yesterday that the term "person" as used in Rule XI, section 26(m), does not apply to me as a direct witness. However, since references were made to third persons in the proceedings yesterday, I can only assume that similar references may be made in the proceedings affecting me. For this reason, I renew my request to appear before an executive session of the committee.

The CHAIRMAN. Well, I am glad to hear the gentleman say that he was here yesterday and today and is aware of the ruling of the Chair on requests for an executive session. And, therefore, on the grounds previously stated, and now amply part of the record, the request is refused; and on the basis of the witness' reference to the fact that some of the witnesses heretofore heard or heard thus far have mentioned third parties, I say that this is the proper application of the rule and if those third parties here referred to wish to be heard in executive session, they may make application and we will rule upon that.

Proceed.

Mr. NITTLE. Mr. Johnson, for purposes of identification, I would like to inquire whether you have ever used or been known by any name other than John Allen Johnson or Allen Johnson?

Mr. JOHNSON. I decline to answer that question on the ground—on counsel's advice and on the grounds of my rights under the first and fifth amendments.

The CHAIRMAN. I think that is a proper question because we are dealing here with identification and there is no implication behind this question of any sort, I am sure. And this is a proper question, and I direct you to answer it.

Mr. JOHNSON. On advice of counsel I decline to answer on the grounds of my rights under the first and fifth amendments and on the grounds that the question is not pertinent to the proceedings.

The CHAIRMAN. Proceed, Counsel.

Mr. NITTLE. Would you state the date and place of your birth, please?

Mr. JOHNSON. I was born in Oakland, California, on August 1, 1913.

Mr. NITTLE. Are you married?

Mr. JOHNSON. Yes, I am married.

Mr. NITTLE. Would you state the full name of your wife, giving the date and place of your marriage?

Mr. JOHNSON. I think this question is beginning to—I don't know what the relevancy of the question is. If it is relevant, then I decline to answer on the grounds of my rights under the first and fifth amendments.

The CHAIRMAN. I think it's a proper question, and there is no attempt here to infringe on the rule—if that could be in anyone's mind—involving the privileged status of husband and wife. It's again in the area of identification for reasons, I am sure, that are competent, and therefore I direct you to answer the question.

Mr. JOHNSON. Mr. Chairman, I think this is an invasion of privacy, but my wife's name is Frances W. Johnson.

Mr. NITTLE. Let me say, with respect to what you have said, that the committee proposes to call as a witness—and also your interrogation may involve questions relating to—a lady named Margaret Frances Evelyn Johnson. If she is your wife, then, of course, the committee realizes you may claim certain privileges with respect to testimony relating to her and we would not desire to infringe those privileges.

The CHAIRMAN. All right.

Mr. NITTLE. However, before that privilege can be claimed, you must first prove or assert the marriage relationship.

The CHAIRMAN. You are simply stating that for the record?

Mr. NITTLE. Yes, sir. And at this time I am trying to determine whether that is his wife.

The CHAIRMAN. Well, he has answered it, so proceed.

Mr. NITTLE. Is the full name of your wife Margaret Frances Evelyn Willard Johnson?

Mr. JOHNSON. In view of the fact that you are—you said you were going to subpoena her, going to call my wife, I think that she should answer that question.

The CHAIRMAN. I think we have a close enough identification to know that he is married.

Mr. NITTLE. All right. Would you relate the extent of your formal education, giving dates, educational institutions you have attended, and any degrees or certificates therefrom?

Mr. JOHNSON. I attended schools in Oakland, California, until 1930 and I have a degree, a bachelor's degree in geology, and a master's degree in economics.

Mr. NITTLE. A master's degree in what, did you say?

Mr. JOHNSON. In economics.

Mr. NITTLE. I understand that you attended the University of California, from which you obtained your bachelor's degree in geology, for the period August 1930 to June 1934; is that correct?

Mr. JOHNSON. If this question is pertinent to the hearing, then I must decline to answer on the grounds of my rights under the first amendment.

Mr. NITTLE. And did you attend the University of California at Berkeley for a further period from August 1934 to January 1937?

Mr. JOHNSON. The same answer on the same grounds.

Mr. NITTLE. What is your present employment?

Mr. JOHNSON. Mr. Chairman, I don't believe that question is pertinent to the hearing and, since I fear harassment as a result of an answer to that question, I decline to answer.

Mr. NITTLE. Would you state your employment during the period 1961 to 1963?

Mr. JOHNSON. The same grounds, decline to answer on the grounds of my rights under the first and fifth amendments.

Mr. NITTLE. Prior to 1961 were you last employed in the California public school system?

Mr. JOHNSON. Same answer, same grounds.

Mr. NITTLE. Would you relate your principal employments since the conclusion of your educational training at the University of California at Berkeley in 1937?

Mr. JOHNSON. I decline to answer on the grounds of my rights under the first and fifth amendments.

Mr. NITTLE. Were you employed as a business agent of the Technical Engineers, Architects and Draftsmen's Union in 1943?

Mr. JOHNSON. I decline to answer on the grounds of my rights under the first and fifth amendments.

Mr. NITTLE. In 1948 were you employed by the Carpenters Union in any capacity?

Mr. JOHNSON. I decline to answer on the grounds of my rights under the first and fifth amendments.

Mr. NITTLE. Were you, for the years 1950 to 1952, an employee or member of the East Bay Carpenters Union, Local 36, American Federation of Labor?

Mr. JOHNSON. I decline to answer on the grounds of my rights under the first and fifth amendments.

Mr. NITTLE. Have you at any time in your employment had occasion to use your college training in the specialized field of geology?

Mr. JOHNSON. Could I ask what the relevancy of that question is?

Mr. NITTLE. This is for the purposes of background, which the Supreme Court has ruled would be relevant to any investigation.

Mr. JOHNSON. I believe I properly identified myself, Mr. Nittle, and I decline to—

Mr. NITTLE. Do you believe that to tell this committee whether or not you have utilized your specialized skill and training in the field of geology would, if you gave a truthful answer to that question, incriminate you or subject you to a possible criminal prosecution?

Mr. JOHNSON. I just can't see the relevancy of that question to the subject under inquiry here, Mr. Nittle.

Mr. NITTLE. I ask for a direction, Mr. Chairman.

The CHAIRMAN. I direct you to answer the question.

Mr. JOHNSON. I decline to answer that question on the grounds of my rights under the first and fifth amendments.

My pertinency is that if that has some relevancy to the purpose indicated, why, I decline. I decline on the grounds of my rights under the first and fifth amendments.

Mr. NITTLE. The official records, Mr. Johnson, in the State Department of the United States disclose that on November 14, 1960, you made application for a United States passport at San Francisco, California, in which you stated that you were then occupied as a student and that you desired to visit for approximately 1 year England, France, and Sweden. Pursuant to that application a passport numbered 2426303 was issued to you on November 17, 1960.

Did you at any time after receipt of that passport actually travel to England, France, or Sweden, as you stated you intended?

Mr. JOHNSON. I decline to answer on the grounds previously stated.

Mr. NITTLE. In your application for a passport of November 14, 1960, you set forth that you intended to depart from the United States

at the port of New York about February 1, 1961, by ship, although the name of the ship was not then known to you.

At the time you stated in your passport application your intention to travel to England, France, and Sweden, did you actually plan to depart for Cuba?

Mr. JOHNSON. I decline to answer on the grounds previously stated.

Mr. NITTLE. Did you at any time on or after January 16, 1961, to the present time, make application to the Department of State for a validation of your passport for travel to Cuba?

Mr. JOHNSON. The same answer on the grounds previously stated.

Mr. NITTLE. Did you at any time on or after that date receive a validation for travel to Cuba?

Mr. JOHNSON. Same answer on grounds previously stated.

Mr. NITTLE. The committee's investigation discloses that you, together with your wife, Margaret Frances Johnson, entered Mexico on February 18, 1961, and thereafter, on April 7, 1961, at Vera Cruz, you embarked ship for Havana, Cuba.

Did you take a ship at Vera Cruz, Mexico, on that date for travel to Havana, Cuba?

Mr. JOHNSON. I decline to answer on the grounds previously stated.

Mr. NITTLE. It is the committee's further information that the manifest of the ship declared that you and your wife were courtesy passengers with all expenses paid by the Cuban Government.

Did you travel to Cuba in April 1961 at the expense of the Cuban Government?

Mr. JOHNSON. I decline to answer on the grounds previously stated.

Mr. NITTLE. The committee's investigation discloses that on April 28, 1961, you and your wife took up residence at No. 41-1A Avenida la Buntillo, Havana, Cuba.

Were you residing at that address in April 1961?

Mr. JOHNSON. I decline to answer on the grounds previously stated.

Mr. NITTLE. How long did you remain in Cuba?

Mr. JOHNSON. Same question, same answer. I decline to answer on the grounds of my rights under the first and fifth amendments.

Mr. NITTLE. It is the committee's information that you returned to the Bay Area of California on April 20, 1963.

Did you remain in Cuba from April 1961 until the spring of 1963?

Mr. JOHNSON. I decline to answer on the grounds previously stated.

Mr. NITTLE. By what means did you support yourself during that period?

Mr. JOHNSON. I decline to answer on the grounds previously stated.

Mr. NITTLE. Now, Mr. Johnson, Mr. Wheeler will hand you a reproduced copy of an item marked for identification as "John Allen Johnson Exhibit No. 1," titled "A Letter From Havana—Invasion Threat Shadows a Banner Year," which was published on page 9 of the *People's World*, December 30, 1961. The article is dated at Havana, December 1961, and a letter over the name of Allen Johnson is recorded in that issue.

You will also note an editorial comment inserted at the commencement of the fourth paragraph of the letter, which reads as follows:

ALLEN JOHNSON, a long-time resident of the San Francisco Bay Area, is now working in Cuba. He has taken to circulating comprehensive "news letters" among his friends, and this is a slightly abridged reprint of one such letter.

Are you the author of the letter published in the December 30, 1961, *People's World*?

Mr. JOHNSON. I decline to answer on the grounds previously stated, my rights under the first and fifth amendments.

(Document marked "John Allen Johnson Exhibit No. 1" and retained in committee files.)

Mr. NITTLE. While in Cuba did you receive any financial assistance from the Cuban Government?

Mr. JOHNSON. I decline to answer under the grounds of my rights under the first and fifth amendments.

Mr. NITTLE. Mr. Wheeler will hand you a copy of page 7 of the *People's World* dated June 4, 1952, marked for identification as "John Allen Johnson Exhibit No. 2."

I direct your attention to an article there titled, "Trade unionist to talk on USSR." The article is datelined at San Francisco and reads, in part, as follows:

A Bay Area trade unionist and candidate for Congress reports on his visit to the Soviet Union on Thursday evening, June 5, at the California Labor School.

Allen Johnson, member of a trade union delegation that visited the Soviet Union last year, discusses his impressions of Soviet factories and construction projects, workers' homes, working conditions and recreation facilities.

This exhibit indicates that you visited the Soviet Union in the year 1951. Did you?

Mr. JOHNSON. I decline to answer on the grounds of my rights under the first and fifth amendments.

(Document marked "John Allen Johnson Exhibit No. 2" and retained in committee files.)

Mr. NITTLE. The official records of the State Department indicate that you made application on April 17, 1951, at San Francisco, California, for a United States passport, in which you stated that you desired to depart by air from New York on April 23, 1951, for a one-month sightseeing tour of England and France. Pursuant to that application you were issued, on April 18, 1951, United States passport No. 27712.

When you filed the application setting forth that you desired to visit England and France, did you not then plan to visit the Soviet Union?

Mr. JOHNSON. I decline to answer on the grounds previously stated, the first and fifth amendments.

Mr. NITTLE. Why did you not set forth that fact in your application?

Mr. JOHNSON. The same answer, same grounds, on the grounds of the first and fifth amendments.

Mr. NITTLE. Did you visit England and France——

Mr. JOHNSON. I decline to answer——

Mr. NITTLE. —in the year 1951?

Mr. JOHNSON. I decline to answer on the ground of my rights under the first and fifth amendments.

Mr. NITTLE. Mr. Johnson, have you ever been a member of the Communist Party?

Mr. JOHNSON. I decline to answer that question on the grounds of my rights under the first and fifth amendments.

Mr. NITTLE. Charles David Blodgett testified before this committee on December 3, 1953, that he was a member of the Young Communist League and of the Communist Party, in Minnesota and in the State of California, during the period from 1943 to 1950. He testified that he came to California in 1946, where he became a member of a Communist Party club in Alameda County composed largely of persons working in the steel industry.

He testified further that he served as chairman of that Communist Party group and became active in Communist Party work here, and that he met in meetings of the political affairs committee of the Communist Party of Alameda County with Allen Johnson who, he said, was then with the A.F. of L. Carpenters Union.

Are you not the Allen Johnson to whom Mr. Blodgett referred as being a member of the Political Affairs Committee of the Communist Party of Alameda County?

Mr. JOHNSON. I decline to answer under my rights—on the grounds of my rights under the first and fifth amendments.

Mr. NITTLE. Mr. Blodgett testified that the Political Affairs Committee of the Communist Party in Alameda County was organized to carry the Communist Party line into political activity.

Was the testimony of Mr. Blodgett in that respect correct?

Mr. JOHNSON. I decline to answer on the grounds of my rights under the first and the fifth amendments.

Mr. NITTLE. Were you not expelled from the Carpenters Union, American Federation of Labor, in 1952, because of your alleged membership in the Communist Party, a fact which had come to the attention of the leadership of the American Federation of Labor?

Mr. JOHNSON. I will decline to answer that question on the grounds of my rights under the first and fifth amendments.

Mr. NITTLE. Would you tell the committee when you first became a member of the Communist Party?

Mr. JOHNSON. I decline to answer on the grounds of my rights under the first and fifth amendments.

Mr. NITTLE. Are you, as of this moment, a member of the Communist Party?

Mr. JOHNSON. I decline to answer on the grounds of my rights under the first and fifth amendments.

Mr. NITTLE. No further questions.

Mr. TUCK. I have no questions.

Mr. JOHANSEN. I have no questions.

The CHAIRMAN. The witness is excused.

Call your next witness.

Mr. NITTLE. Margaret Frances Johnson, come forward, please.

The CHAIRMAN. Please raise your right hand.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. JOHNSON. I affirm, and may I ask that the photographers, after it's done—

The CHAIRMAN. Well, it was done before you were sworn.

TESTIMONY OF MARGARET FRANCES EVELYN WILLARD JOHNSON,
ACCOMPANIED BY COUNSEL, ROBERT J. SCHMORLEITZ

Mr. NITTLE. Would you state your full name and residence for the record, please?

Mrs. JOHNSON. Frances W. Johnson, 179 Los Angeles Boulevard, San Anselmo.

Mr. NITTLE. Are you represented by counsel?

Mrs. JOHNSON. Yes, I am.

Mr. NITTLE. Would counsel kindly identify himself for the purposes of the record?

Mr. SCHMORLEITZ. My name is Robert J. Schmorleitz. My offices are at 11044 McCormick Street, North Hollywood, California.

Mr. NITTLE. Mrs. Johnson, are you known variously as Margaret Frances Evelyn Johnson and as Frances Margaret Johnson?

Mrs. JOHNSON. My birth certificate states as follows: that my name is Margaret Frances Johnson. I didn't myself know that that was my name until I was a matured person, because my family decided to call me Frances—excuse the correction. I wasn't married. My name is Margaret Frances Willard, but my parents called me Frances Evelyn Willard. It was not until I was a matured person that I learned that my name really, on the birth certificate, is Margaret Frances Willard.

Mr. NITTLE. It is not a serious thing. We attach no sinister importance to that, but it's a question of identification.

Mrs. JOHNSON. If you wish to know the full story, I'd be glad to give it to you.

Mr. NITTLE. All right.

Mrs. JOHNSON. Then, I went through school as Frances Evelyn Willard. When I became married, I then—I signed my name "Frances W. Johnson" or "Frances E. Johnson." That is the complete story.

Mr. NITTLE. Yes. I actually asked the question because your name is——

The CHAIRMAN. Well, there is nothing unusual about that, and I know it's a proper question and you have a reason for it. Some people call me Ed; and some people call Edwin, Edward. There is nothing wrong about that.

Mr. NITTLE. Now, in the *People's World* of March 23, 1951, an article appeared naming you as Mrs. Frances W. Johnson, and you are the Frances W. Johnson who was named in that issue, I presume?

Mrs. JOHNSON. I decline to answer that question on the grounds that it is an invasion of my privacy and on the grounds of the first and fifth amendments guaranteed under the Constitution.

Mr. NITTLE. Would you state the date and place of your birth, please?

Mrs. JOHNSON. August 7, 1910, Marysville, California.

Mr. NITTLE. You are the wife of the prior witness, John Allen Johnson; are you not?

Mrs. JOHNSON. Yes. I am married to the previous witness.

Mr. NITTLE. Would you relate the extent of your formal education?

Mrs. JOHNSON. I was educated in the schools of California. I have attended the University of California and received a bachelor of arts degree.

Mr. NITTLE. When did you attend the University of California?

Mrs. JOHNSON. I decline to answer that question on the grounds previously stated.

Mr. NITTLE. What is your present occupation?

Mrs. JOHNSON. I decline to answer that question on the grounds previously stated.

Mr. NITTLE. Would you relate your principal employments during the past 15 years?

Mrs. JOHNSON. I decline to answer the question on the grounds previously stated.

Mr. NITTLE. Were you formerly employed as a school teacher?

Mrs. JOHNSON. I decline to answer that question on the grounds previously stated.

Mr. NITTLE. The *Oakland Tribune* of October 29, 1950, dated at Richmond, October 28, contains a news item, a copy of which Mr. Wheeler will hand to you, marked for identification as "Margaret Johnson Exhibit No. 1."

The *Oakland Tribune* reports that:

Mrs. Frances Willard Johnson, 40, teacher at the Harry Ellis Junior High School for the past three and a half years, announced today she would not sign the state loyalty oath, would not resign her teaching position and hoped to challenge the constitutionality of the law in the courts.

Mrs. Johnson, who lives at 629 East 15th Street, Oakland, disclosed her intentions in a statement sent to newspapers.

Are you the Frances Willard Johnson to whom reference is made in the *Oakland Tribune* article?

Mrs. JOHNSON. I decline to answer that question on the grounds that I have previously stated.

(Document marked "Margaret Johnson Exhibit No. 1" and retained in committee files.)

Mr. NITTLE. How long were you employed in the public school system of California?

Mrs. JOHNSON. I decline to answer that question on the grounds which I have previously stated.

Mr. NITTLE. Did you issue or cause to be issued a public statement, which you intended to be published in the press, relating to your opposition to the loyalty oath?

Mrs. JOHNSON. I decline to answer that question on the grounds which I have previously stated.

Mr. NITTLE. Did you test the loyalty-oath law in the courts?

Mrs. JOHNSON. I decline to answer that question as previously stated.

Mr. NITTLE. Were you instructed by any Communist Party functionary to do just that?

Mrs. JOHNSON. I decline to answer that question on the grounds previously stated.

Mr. NITTLE. What other occupations have you had?

Mrs. JOHNSON. I decline to answer your question on the previously-stated grounds.

Mr. NITTLE. Mrs. Johnson, I will hand you a copy of the *People's World* of March 23, 1951, marked for identification as "Margaret Johnson Exhibit No. 2."

I direct your attention to the item titled, "Mrs. Johnson opens school board drive," appearing on page 2. The article is dated at Oakland, March 22, 1951, and states that:

Mrs. Frances Willard Johnson formally announced her candidacy for the post of school director No. 1, Oakland board of education, today, with campaign headquarters at 629 E. 15th st., Oakland.

A photograph appears in the *People's World* of that issue with a caption, "Mrs. Frances W. Johnson . . . *peace, understanding.*" Mrs. Johnson, in that article, is described as being active in the AFL Federation of Teachers, an officer and former delegate to the Central Labor Council, and one of the teachers challenging the legality of the Levering loyalty oath act in the courts.

Are you the Mrs. Frances W. Johnson whose portrait appears therein?

Mrs. JOHNSON. I decline to answer that question on the grounds previously stated.

(Document marked "Margaret Johnson Exhibit No. 2" and retained in committee files.)

Mr. NITTLE. Were you counseled or advised or directed by any Communist Party functionary to seek the office of school director?

Mrs. JOHNSON. I decline to answer the question on the grounds previously stated.

Mr. NITTLE. Were you successful in your campaign?

Mrs. JOHNSON. I decline to answer the question on the grounds previously stated.

Mr. NITTLE. Did you use your campaign for the office of school director also as a vehicle for the dissemination of messages which you believed would be desirable from the Communist Party standpoint?

Mrs. JOHNSON. I decline to answer the question on the grounds previously stated.

Mr. NITTLE. In the course of the interrogation of your husband, it was noted that he had made application for United States passport on November 14, 1960, setting forth the desire to visit for about 1 year in England, France, and Sweden. And he, pursuant to that application, received a passport on November 17, 1960.

Mrs. Johnson, on the same date, official records of the State Department disclose that you likewise made application for a United States passport, setting forth those identical facts, and that you received a passport on November 17, 1960, numbered 2426304. Is this not true?

Mrs. JOHNSON. I give the same answer on the same grounds, under the first and fifth amendments.

Mr. NITTLE. At the time you made your application, did you then plan to travel to Cuba?

Mrs. JOHNSON. I refuse to answer that question on the grounds previously stated.

Mr. NITTLE. As I have already indicated in the interrogation of your husband, the committee's investigation disclosed that on February 18, 1961, you entered Mexico, and on April 7, 1961, departed by ship from the port of Vera Cruz for Havana, Cuba.

Did you depart by ship from the port of Vera Cruz for Havana, Cuba, at that time?

Mrs. JOHNSON. I really don't intend to answer any of your questions, and I refuse to answer this question on the grounds of the first and the fifth amendments.

Mr. NITTLE. Did you, in April 1961,, reside at 41-1A Avenida la Buntillo in Havana, Cuba?

Mrs. JOHNSON. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Did you return to the United States on or about April 20, 1963, to the Bay Area?

Mrs. JOHNSON. I decline to answer on the ground previously stated.

Mr. NITTLE. It is the committee's information that you at no time on or after January 16, 1961, possessed a United States passport specifically endorsed or validated for travel to Cuba. It is the committee's information that you at no time applied for such an endorsement or validation.

If there is any error in this information or if you have any explanation to offer, it is important to the committee's investigation to know.

The CHAIRMAN. Well, it's obvious she does not desire to answer what you asked. So proceed with your next question.

Mrs. JOHNSON. Did you ask my opinion or did you ask a question? I didn't understand whether you asked a question.

The CHAIRMAN. He desired, if you wish, to correct that information. That is what the question really was.

Mrs. JOHNSON. I don't.

Mr. NITTLE. Or to offer any explanation, and I take it that you do not desire to do so?

The CHAIRMAN. Ask the question affirmatively.

Mr. NITTLE. Is there any error in the information that I have just stated?

Mrs. JOHNSON. I refuse to answer for the reasons previously given.

Mr. NITTLE. Do you desire to offer any explanation?

Mrs. JOHNSON. I refuse to answer on the grounds previously stated.

Mr. NITTLE. Mrs. Johnson, it is the information of the committee that you have been a member of the Communist Party at least as early as 1943 and that you held membership in the Communist Party in the El Cerrito area.

Have you ever been a member of the Communist Party?

Mrs. JOHNSON. I refuse to answer that question on the basis of the first and fifth amendments.

Mr. NITTLE. Were you in 1943 a member of the Communist Party in the El Cerrito area?

Mrs. JOHNSON. I refuse to answer the question on grounds previously stated.

Mr. NITTLE. Are you now a member of the Communist Party?

Mrs. JOHNSON. I refuse to answer that question on grounds previously stated.

Mr. NITTLE. No further questions, Mr. Chairman.

The CHAIRMAN. Witness is excused.

We are within 15 minutes of the lunch hour, and I think this is a good point to adjourn. We only have three witnesses left, as far as I know, anyway.

So the committee will resume at a quarter of 2. We will stand in recess until that time.

(Whereupon, at 11:50 a.m., Tuesday, July 2, 1963, the subcommittee recessed, to reconvene at 1:45 p.m., the same day.)

AFTERNOON SESSION—TUESDAY, JULY 2, 1963

(The subcommittee reconvened at 1:50 p.m., Hon. Edwin E. Willis, chairman, presiding.)

Members present: Representatives Willis, Tuck, and Johansen of the subcommittee, and also Representative Ashbrook.

The CHAIRMAN. The subcommittee will please come to order. Counsel, call your first witness.

Mr. NITTLE. Would Frank S. Pestana please come forward?

The CHAIRMAN. Please raise your right hand.

Mr. PESTANA. I prefer to have no pictures taken, Mr. Chairman.

The CHAIRMAN. You haven't been sworn yet. But all right. [To photographers.] Now, wait a minute. I ask you to defer that.

Please raise your right hand.

Mr. PESTANA. I will affirm.

The CHAIRMAN. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PESTANA. I wish to affirm.

The CHAIRMAN. Do you solemnly affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PESTANA. I refuse to swear. I am going to affirm, and the chairman knows that very well.

The CHAIRMAN. Do you solemnly affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

Mr. PESTANA. I will refuse to swear or solemnly swear or solemnly affirm. I am simply affirming as I wish to enforce my rights to take judicial process with separation of the church and state in all of its ramifications.

The CHAIRMAN. Including the right not to invoke the help of God in your telling the truth.

Now,——

Mr. PESTANA. Including the right not have you inject church into a matter of state and matters of justice.

The CHAIRMAN. Do you affirm that the testimony that you are about to give will be the truth, the whole truth, and nothing but the truth?

Mr. PESTANA. I do so affirm.

TESTIMONY OF FRANK SIMPLICIO PESTANA—Resumed

Mr. PESTANA. We were unable to make arrangements for an attorney. I am not able to proceed at this time because we were unable to get counsel to come with us to this hearing.

The CHAIRMAN. Would you be prepared to have an attorney after we hear the next witness?

Mr. PESTANA. I, perhaps, can elucidate that in the following manner. I contacted approximately seven counsel, and all of them refused at this late time to undertake the responsibility of preparing myself or Jean Kidwell for this hearing in the short time that remains to us today. For——

The CHAIRMAN. Well, in that event, although you have been served with a subpoena for many, many days and should have anticipated the

situation during the luncheon hour, anticipating that this might be your position, the subcommittee met and decided to continue you under the subpoena now binding on you and to order you to appear in Washington, D.C., Wednesday [July 10, 1963] at 10 a.m., where you will be examined.

Mr. PESTANA. I don't know what the condition——

The CHAIRMAN. You are excused.

Mr. PESTANA. I have my calendar, Mr. Chairman, but I will——

The CHAIRMAN. You are excused, sir.

Mr. PESTANA. Thank you.

The CHAIRMAN. And you are under that binding subpoena and order.

Mr. PESTANA. I am acquainted with the nature of your subpoena, Mr. Chairman.

Mr. NITTLE. Mrs. Jean Kidwell Pestana.

The CHAIRMAN. And that hearing will be in the Caucus Room of the Old House Office Building, room what? In the Caucus Room of the Old House Office Building on the third floor.

Mr. PESTANA. I assume, Mr. Chairman, that transportation will be made available?

The CHAIRMAN. You will be bound by the usual rules of the committee applicable to all witnesses.

One of the reasons for holding these hearings here was to accommodate the people and to face this very situation. You are an attorney. Your wife is an attorney. You say you are not prepared, and you will be treated like any other witness. The rules of the House will prevail.

Next witness.

Mr. PESTANA. Mr. Chairman, I take it you recall——

The CHAIRMAN. I direct you to call the next witness.

Mr. NITTLE. I have called her as Mrs. Jean Kidwell Pestana.

The CHAIRMAN. Please raise your right hand.

Mrs. PESTANA. I will affirm.

The CHAIRMAN. Do you solemnly—do you affirm that the testimony that you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

I take it you object to the use of the invocation of the help of God so, therefore—and I made an honest slip—therefore, I repeat that affirmation.

Do you affirm that in giving your testimony you will tell the truth, the whole truth, and nothing but the truth?

Mrs. PESTANA. The slip was made on several occasions. I think it was purposeful.

I will affirm.

TESTIMONY OF JEAN ESTELLE KIDWELL PESTANA—Resumed

The CHAIRMAN. Now, you have been in the courtroom—I mean in this hearing room these past several minutes. You were here before the luncheon hour. I now ask you, Did you secure the services of an attorney in the last 3 hours or so since you first appeared and, if not, would you be prepared to have an attorney to represent you after the next witness testifies?

I say that because that is our schedule, that is the way we planned it.

The reason for the hearings here in Los Angeles was the accommodation and convenience of the witnesses as well as the committee.

Now, will you answer the question as to whether or not you now have, or could have after the next witness, the services of an attorney?

Mrs. PESTANA. I have made efforts to obtain counsel. The following attorneys were contacted, either personally or through their offices: Mr. Robert Kenny was unable to appear. We spoke to him personally.

Mr. Stanley Fleishman was out of the city.

Mr. John McTernan was engaged in deposition proceedings.

Mr. Margolis was engaged in trial.

Mr. Mortimer Vogel was also engaged, as was Mr. Maynard J. Omerberg here.

I have had no adequate opportunity to obtain counsel. I wish to point out to the chairman that I was informed at 8 o'clock last evening that my counsel was unable to be here. I also wish to again inform the committee——

The CHAIRMAN. You answer the question. I direct you to answer the question.

Mrs. PESTANA. I am answering the question.

I also wish to point out, for the record, that my attorney early Monday morning requested the counsel of the committee to appear on Monday, the day that I was subpoenaed. The counsel for the committee said this was absolutely impossible. My counsel made every effort to arrange to be here today. Eight o'clock last evening he informed me it was absolutely impossible for him to appear today.

The committee has made it impossible for me to obtain counsel of my choice, and I would like the record to so reflect.

The CHAIRMAN. Well, the record will contain your statements and does contain your statement, which speaks for itself, but let the facts show that the opposite is true. This committee—how can they, this committee, obstruct your employment of counsel? This is a peculiar situation, indeed. Here we come to Los Angeles for the accommodation of the witnesses here and their convenience as well as the situation prevailing in our own shop, and we summon, as I recall, some 16 witnesses.

Here are two witnesses, husband and wife, both attorneys, professional people, of all people, who now take the position that we are at fault because they don't have an attorney.

Therefore, I now order you to remain under the subpoena under which you are now bound and to report in the city of Washington, D.C., at 10 in the morning on next Wednesday, July 10, in the Caucus Room, third floor of the Old House Office Building.

You are excused.

Mrs. PESTANA. I wish to make a comment——

The CHAIRMAN. Proceed. Proceed. You will not comment. Proceed.

Mr. NITTLE. Would Miss Harriett Buhai come forward, please?

The CHAIRMAN. Who?

Mr. NITTLE. Miss Harriett Buhai, B-u-h-a-i.

[Applause.]

The CHAIRMAN. All right. You will not do that.

Miss BUHAI. I ask that photographs not be taken.

The CHAIRMAN. All right. [To photographers.] You will not do it.

Raise your right hand.

Miss BUHAI. I wish to affirm.

The CHAIRMAN. Do you affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

Miss BUHAI. I do.

The CHAIRMAN. Proceed, Counsel.

**TESTIMONY OF HARRIETT BUHAI, ACCOMPANIED BY COUNSEL,
ARNETT HARTSFIELD**

Mr. NITTLE. Would you state your full name and residence for the record, please?

Miss BUHAI. My name is Harriett Buhai.

Mr. NITTLE. Would you spell your last name for the benefit of the reporter, please?

Miss BUHAI. My name is Harriett Buhai, B-u-h-a-i.

Mr. NITTLE. Are you represented by counsel?

Miss BUHAI. Yes.

Mr. NITTLE. Would counsel please identify himself for the record?

Mr. HARTSFIELD. My name is Arnett Hartsfield, H-a-r-t-s-f-i-e-l-d. My office is located at 2630 Crenshaw Boulevard, Los Angeles 16, California.

Mr. NITTLE. Miss Buhai, for purposes of identification, we should like to inquire whether you have ever used or been known by any name other than Harriett Buhai.

Miss BUHAI. Not to my knowledge.

Mr. NITTLE. Would you state the date and place of your birth, please?

Miss BUHAI. I'm sorry, Mr. Nuttle, is it? What's your name, please, sir?

Mr. NITTLE. Nittle, N-i-t-t-l-e.

Miss BUHAI. And my name is pronounced Bū-hī, like bugle, if you will, please.

Mr. NITTLE. You and I are apparently having difficulty with each other's names.

The CHAIRMAN. Oh, wait a minute, let's go on.

Miss BUHAI. I'm sorry, sir, but I would like to make a motion, if I may.

Mr. NITTLE. Address that to the chairman, please.

The CHAIRMAN. Yes. They have both been identified; counsel, too?

Mr. NITTLE. Yes.

The CHAIRMAN. All right. You may present your motion.

Miss BUHAI. I would like to make a motion to quash my subpoena on two grounds. The first ground is that this committee is illegally constituted and does not constitute a quorum for the reason that two members of the committee, one from the State of Louisiana and one from the State of Virginia, are sitting in contravention of article—of section 2 of Article 14 of the Constitution of the United States, which provides that in those States where a proportion of the population is denied the right to vote or the right to vote is abridged, that the number of Representatives shall be reduced proportionately.

In both the State of Virginia and the State of Louisiana large numbers of Negro people are prevented from voting and no reapportion-

ment has been made. Therefore, it is my motion that the entire delegation of Congressmen from both of those States are illegally seated. Being so illegally seated, two Congressmen, one from each of those States, cannot sit legally on this committee. Therefore, there is not a quorum. They are sitting, of course, in the House of Representatives.

My second reason is that I, by telegram, asked for executive session on the ground that these hearings tend to degrade and defame one. My request was denied. I have heard the chairman's reference to his interpretation of the House rules.

I would respectfully call his attention to the fact that the House rules provide that if a public hearing would tend to degrade or defame any person—"person" includes witness—then executive session shall be held.

I would ask for a ruling on my motion.

The CHAIRMAN. The motion is denied. I take it that the witness was in attendance when I ruled on similar applications; that is correct, is it not?

Miss BUHAI. I was in attendance and I would call your attention to the wording of section m on page——

The CHAIRMAN. That is all right. I have it right before me and I am prepared to rule.

Miss BUHAI. And, as you will see, it refers to any person. It does not use the word "witness."

The CHAIRMAN. Well, it's a question of whether you are right and I am wrong—and I have been a lawyer 37 years, and the members here are attorneys—and whether the counsel and our general counsel and our staff director and the Parliamentarian of the House are right, or whether you are right.

Now, the rule, in the first place, does not say what you said it did. It doesn't say that there must be an executive session. It says that "if" the committee determines, and so on.

It does not apply to you, and for the reasons previously indicated, the motion is denied.

Now, wait a second. The director calls my attention to the fact that your telegram was to ask for a continuance, as well, and the committee acted on that, too; and, therefore, both on the grounds of not having a right to an executive session and on the ground that a continuance would be improper, your motion is denied.

Proceed, Counsel.

Mr. NITTLE. Would you state the——

Miss BUHAI. Just to get the record straight——

The CHAIRMAN. The record is as straight as it ever will be. Proceed.

Mr. NITTLE. Would you state the date and place of your birth, Miss Buhai?

Miss BUHAI. I was born in Chicago, Illinois. I am an adult.

[Laughter.]

The CHAIRMAN. Now, let's not have that. We have been getting along pretty well in these hearings. This is about the termination. I realize the sensitiveness of the inquiry, but we must proceed as we started.

Mr. NITTLE. Would you relate the extent of your formal education?

Miss BUHAI. I am an attorney at law admitted to practice in the State of California. I have the requisite education to enable me to

take the bar and pass the bar examinations and be admitted to practice in the State of California.

The CHAIRMAN. Proceed, Counsel.

Mr. NITTLE. Miss Buhai, the official records of the State Department indicate that on January 14, 1960, you made application for a United States passport at the Los Angeles Passport Agency of the Department of State, in which you indicated that you proposed to depart approximately February 15, 1960, from Los Angeles on a pleasure trip to Denmark, Switzerland, France, England, and Italy, for a proposed stay of 3 or 4 months.

Pursuant to that application you were issued on January 15, 1960, a United States passport No. 1845770. The records further indicate that on December 26, 1962, you made application for renewal of that passport at the Los Angeles Agency of the Department of State, stating that you proposed to depart from Los Angeles approximately January 7, 1963, for a business and pleasure trip to Brazil and countries of which you stated you were uncertain.

Was your passport renewed in accordance with your application of December 26, 1962?

Miss BUHAI. I can't tell if counsel is testifying or making a statement. It is a compound question, and I will have to ask him to be more explicit.

What is the nature of your question, please?

The CHAIRMAN. Ask the question directly.

Mr. NITTLE. Did you file an application with the Department of State on December 26, 1962, seeking to renew a passport previously issued to you?

Miss BUHAI. What is the relevance of that question?

The CHAIRMAN. The relevancy of the question was stated in my opening statement. This goes to the crux of it all, including, among other things, our study and taking of testimony in connection with unlawful travel to foreign countries.

I direct you to answer the question.

Miss BUHAI. May I just say that this committee——

The CHAIRMAN. You are directed to answer the question.

Miss BUHAI. Very well. I shall decline to answer that question or any similar question on several grounds. The first is that, in my opinion, this committee is illegally constituted and unlawfully sitting.

My second ground is that this committee is asking questions which involve my right to travel, to associate, to think, to believe, and by so doing, they are violating my right under the first amendment to the Constitution.

I further object and will not answer the question on the ground that this committee is acting in excess of its jurisdiction. It is neither a law enforcement nor a trial agency. It has no jurisdiction to issue or deny passports and, therefore, it is asking questions beyond its jurisdiction when it inquires in this area.

I further refuse to answer the question on the grounds that this question violates my rights under the fifth amendment to the Constitution, that part of the fifth amendment which has been held by the courts to mean that no person may be compelled to answer any question which might be a lead to any possible chain of evidence which might in any way lead to a possible criminal, Federal prosecution.

I further decline to answer the question on my grounds—on my rights under the due process section of the fifth amendment, in that my right to due process of law has been abrogated by this committee in that I was not granted a continuance in order to prepare for the hearing and to get counsel and enough time, and because my request for executive session was denied.

I further refuse to answer the question on the grounds that this committee is illegally constituted under section 2 of Article 14 of the Constitution.

And, further, on the general constitutional basis inherent in that document, whether there were any Bill of Rights or not, that Congress has no power to legislate in the area of beliefs, ideas, association, and therefore it has no power to inquire.

The CHAIRMAN. Next question.

Mr. NITTLE. Miss Buhai, did you at any time after January 16, 1962, make application to the Department of State or any of its agencies or representatives for a validation of your passport for travel to Cuba?

Miss BUHAI. What was the date, sir?

Mr. NITTLE. If I said the year 1962, that was an inadvertency. I will repeat the question.

Did you, Miss Buhai, at any time on or after January 16, 1961, make application to the State Department for validation of your passport for travel to Cuba?

Miss BUHAI. I would like to enlighten counsel. The regulation of the Department of State to which so much reference has been made here is dated January 16, 1961, and published in the Federal Register as Public Notice 179. After its preamble it states, relative to this subject, the following, and this is all it states: "all United States passports are hereby declared to be invalid"—

Mr. NITTLE. Now, may I interrupt you, Miss Buhai?

Miss BUHAI. No. I am answering the question as I see fit.

The CHAIRMAN. No, you are not yet and I will just give you a very reasonable time to state your position.

Miss BUHAI. I am reading the regulations which the gentleman and you have alluded to, sir.

The CHAIRMAN. All right.

Mr. NITTLE. I did not allude to any regulation in my question.

Miss BUHAI (continuing quote).

all United States passports are hereby declared to be invalid for travel to or in Cuba except the passports of United States citizens now in Cuba. Upon departure of such citizens from Cuba their passports shall be subject to this order.

Hereafter, United States passports shall not be valid to or in Cuba unless specifically endorsed for such travel under the authority of the Secretary of State or until this order is revoked.

The CHAIRMAN. Exactly. And that is the question that was asked you.

Now, you are directed to answer the question. That is the precise question that was asked of you.

Miss BUHAI. The question was asked—

The CHAIRMAN. Now, you are directed to answer the question.

Miss BUHAI. Inasmuch as the committee—

The CHAIRMAN. You are directed to answer the question.

Miss BUHAI. I am answering the question, sir.

The CHAIRMAN. You are directed to answer the question.

Miss BUHAI. Will you allow me to answer it or will you not?

The CHAIRMAN. All right. Answer it.

Miss BUHAI. Inasmuch as this committee has no right to decline to issue——

The CHAIRMAN. Take the next question, Mr. Reporter. Take the next question.

Mr. NITTLE. Miss Buhai——

Miss BUHAI. I decline to answer the question on all the previous grounds stated.

The CHAIRMAN. Well, she has declined properly. All right.

Mr. NITTLE. Did you at any time after January 16, 1961, travel to Cuba?

Miss BUHAI. Matters of travel, matters of proceeding——

The CHAIRMAN. You are directed to answer the question.

Miss BUHAI. —of information——

The CHAIRMAN. You have made your argument. We have passed on it.

Miss BUHAI. I decline to answer the question for each and every ground previously stated.

The CHAIRMAN. Next question.

Mr. NITTLE. The committee's investigation discloses that you did, in fact, travel to Cuba from Mexico——

The CHAIRMAN. I'm sorry. Restate that. I did not get it.

Mr. NITTLE. Strike the question, please.

Miss Buhai, the committee's investigation discloses that you did, in fact, travel to Cuba from Mexico on or about August 31, 1962. Is this true?

Miss BUHAI. As I have indicated, I will not answer any questions regarding my activities in protected areas, and I hereby decline to answer on all of these grounds previously stated.

Mr. NITTLE. It is the committee's further information that you, Helen Travis, Nestor Otto Bravo——

Miss BUHAI. Are you making a statement or asking a question?

Mr. NITTLE. —and Eustasia Sokolowski Madrigal——

Miss BUHAI. Mr. Chairman,——

Mr. NITTLE. —on or about August 31, 1962, departed from Mexico for travel to Cuba.

If this information is not correct——

The CHAIRMAN. Just ask the question. Then you lead into a question and you ask the question. We may as well face it.

Is that information correct?

Miss BUHAI. I believe I answered a similar question just previously.

The CHAIRMAN. It's not similar. You answer this one.

Miss BUHAI. I decline to answer this question——

The CHAIRMAN. All right.

Miss BUHAI. —and any similar questions on the grounds previously stated.

The CHAIRMAN. Well, you are not going to control this committee by saying "similar questions" and refusing in advance to answer questions that have not been posed. We will go our own way about it and we will develop a record. You answer each question as posed.

Proceed, Mr. Nittle.

Mr. NITTLE. Now, do you know Helen Travis?

Miss BUHAI. As counsel, I am sure, knows, questions as to persons whom I know are not within the power of this committee to question.

The CHAIRMAN. That is argumentative. Answer the question.

Miss BUHAI. No. I am answering the question.

The CHAIRMAN. You are ordered to answer the question.

Miss BUHAI. And I decline to answer such a question on all of the grounds previously stated.

Mr. NITTLE. Did you on August 31, 1962, know Nestor Otto Bravo?

Miss BUHAI. Same kind of question, same answer, same grounds.

Mr. NITTLE. Did you on that date know Eustasia Sokolowski Madrigal?

Miss BUHAI. Same question, asked for purposes which I understand, same answer.

Mr. NITTLE. Miss Buhai, in the course of the committee's investigations into the Medical Aid to Cuba Committee on November 14, 1962, we received testimony from Melitta del Villar, chairman of the Medical Aid to Cuba Committee. It is our information that you assisted in the organization of a Los Angeles chapter of the Medical Aid to Cuba Committee, of which Helen Travis was the secretary.

Miss BUHAI. This is a compound question. I am lost already, Mr. Chairman.

The CHAIRMAN. The question is reasonable. Proceed.

Mr. NITTLE. Did you participate in the organization of the Los Angeles chapter of the Medical Aid to Cuba Committee?

Miss BUHAI. Are you inquiring into my activities as an attorney?

The CHAIRMAN. Of course not. Your activities as an individual, and you are directed to answer the question.

Miss BUHAI. Well, I will not have my attorney-client privileges invaded. For that reason, I decline to answer the question, as well as for all of the other grounds previously stated.

The CHAIRMAN. Are you indicating that you were acting as attorney for Miss Travis?

Miss BUHAI. I made no such statement and I would request—

The CHAIRMAN. Well, how can you invoke a lawyer-client privilege if you will not say whether you were her lawyer?

Miss BUHAI. The question, as I tried to tell the chairman, was compound. If it had not been compound, he would not have this problem.

The CHAIRMAN. Proceed.

Mr. NITTLE. It is our information that in the summer of 1962 you filed an application with the Los Angeles Department of Social Services, a request for license to solicit funds for the Los Angeles Medical Aid to Cuba Committee.

In the application, I understand that you have named yourself as the organizer of this group. Were you the organizer of the Los Angeles Medical Aid to Cuba Committee as is indicated in your application?

Miss BUHAI. May I see the application, please?

Mr. NITTLE. I regret to say I don't have it before me.

[Laughter.]

Miss BUHAI. Yes. I am not surprised that you do not have it before you.

Mr. NITTLE. Well, nevertheless, has any error been made in my statement?

Miss BUHAL. Because, again, you are again invading the attorney-client privilege. And it is quite understandable that you do not have this application before you.

I decline to answer the question on all the grounds stated.

The CHAIRMAN. Ask her the direct question whether she made the application.

Mr. NITTLE. Did you make that application as an individual?

Miss BUHAL. I cannot answer a question with regard to an application which you are unable to show me.

The CHAIRMAN. Did you make any application with reference to the subject matter counsel asked a question about?

Miss BUHAL. I do not choose to discuss any attorney-client relationships, and I shall not.

The CHAIRMAN. Therefore, you are claiming that you are the attorney for the organizers?

Miss BUHAL. I am claiming a privilege based on attorney-client relationship, and that is all I need to explain, and I further refuse to answer the question on all of the grounds previously stated.

May the record show that this is one exhibit which, peculiarly, Mr. Wheeler does not have. I think that is very interesting.¹

The CHAIRMAN. Well, proceed.

Mr. NITTLE. Miss Buhai, could you tell us from your own knowledge whether or not Miss Helen Travis is known to you to have been or to be a member of the Communist Party?

Miss BUHAL. You are again asking questions about individuals and associations, and I will refuse to answer the questions.

You know very well under the Emspack case that these questions are constitutionally protected and you are asking them only to defame, degrade, and humiliate the witness and to act as a group which is constituted—

The CHAIRMAN. You are directed to answer the question. This is argumentative. You are directed to answer the question.

Miss BUHAL. I decline to answer this question, of course, on all of the grounds previously stated.

Mr. NITTLE. Did you have knowledge of the existence and formation of the Medical Aid to Cuba Committee, which had its main office in New York City?

¹ The application form in question did not request, or provide space for, the name of the organizer of the group filing it. Miss Buhai's name does not appear anywhere on the form, which was dated May 27, 1962. The key role she played in the Medical Aid to Cuba Committee, however, is indicated by the fact that although her name did not appear on the form, the reply to the application from the Los Angeles Department of Social Service was addressed to "Medical Aid to Cuba, Los Angeles Committee," % Miss Buhai, and read as follows:

"Dear Mrs. [sic] Buhai:

"This is to acknowledge receipt of your Notice of Intention to solicit cash contributions to send medical supplies to Cuba.

"The Board of Social Service Commissioners has denied the issuance of an Information Card to conduct the solicitation for cash contributions at your proposed public meeting of June 6, 1962, based on the lack of compliance with Section 44.05 of the Los Angeles Municipal Code, Ordinance No. 77,000, and the lack of time for proper investigation. Further, from the brief statements contained in the materials submitted, it is impossible to determine whether the applicant's organization and purpose bring it within the meaning of the term 'charitable' as used in Section 44.01 of the Los Angeles Municipal Code.

"It would be necessary that a document be submitted from the Cuban government assuring this Department that the medical items procured would go to needy persons unable to pay.

"Any violation of these provisions are punishable as misdemeanor action."

Miss BUHAI. Interesting to me that any committee concerned with medical aid seems to be disapproved of by this committee. However, that is interesting.

And I shall decline to answer the question on all of the grounds previously stated.

Mr. NITTLE. Did you, Miss Buhai, receive any communication from Dr. Louis Miller, the national "medical director" of the Medical Aid to Cuba Committee, requesting you to organize the Medical Aid to Cuba Committee, Los Angeles branch?

Miss BUHAI. That is a compound question again. Can you please clarify it, Mr. Chairman?

Mr. NITTLE. Did you receive instructions or a request from Dr. Louis Miller to organize a Los Angeles branch of the Medical Aid to Cuba Committee?

Miss BUHAI. Again, it is compound. However, since counsel doesn't seem to be able to present a question that isn't, I will endeavor to answer it.

In the first place, this committee has no right to inquire into——

The CHAIRMAN. You are directed to answer the question.

Miss BUHAI. —and my communications; and I shall, of course, decline to answer that question on all of the grounds previously stated.

Mr. NITTLE. Do you, Miss Buhai, know Dr. Louis Miller?

Miss BUHAI. What is the relevancy of that question?

Mr. NITTLE. The testimony taken in Washington with respect to the Medical Aid to Cuba Committee has indicated that Dr. Miller is the medical director of that committee and one of the organizers and fathers of it. In addition to that, the committee is in possession of information relating to the Communist Party membership of Dr. Louis Miller over a long period of time. He was identified as in attendance at meetings of the National Committee of the Communist Party by Louis Francis Budenz——

Miss BUHAI. Are you testifying?

The CHAIRMAN. He is supplying the information that you yourself asked for.

Proceed, sir.

Mr. NITTLE. —by Louis Francis Budenz, formerly editor of the *Daily Worker*, who testified in executive session before this committee that Dr. Louis Miller had been a physician in metropolitan New York and attended enlarged meetings of the National Committee of the national Communist Party with Mr. Budenz. Mr. Budenz testified that Dr. Miller had been very active in organizing Communist physicians.

Furthermore, on September 28, 1948, this committee, that is, the House Committee on Un-American Activities, filed with Congress its report entitled *Report on Soviet Espionage Activities in Connection with the Atomic Bomb*. Dr. Louis Miller was reported to have been one of the principal contacts of a Soviet espionage agent named Arthur Alexandrovich Adams, whose real name was unknown, and who operated an espionage ring out of a jewelry shop in New York City managed by one Victoria Stone. He was active during the forties in attempting to obtain information from the United States with respect to the development of nuclear fission.

The CHAIRMAN. Well, that is sufficient to make the question eminently proper.

I direct you to answer the question, which is: Do you know Dr. Miller?

Miss BUHAL. Was this information about Dr. Miller adduced at hearings of this committee?

The CHAIRMAN. You are directed to answer the question.

Miss BUHAL. You are not going to answer my question?

The CHAIRMAN. You are directed to answer the question.

Miss BUHAL. Well, then, I shall have to decline on all of the grounds previously—

The CHAIRMAN. You don't "have to." You may.

Miss BUHAL. I may and I have to.

The CHAIRMAN. All right.

Miss BUHAL. To decline on all of the grounds previously stated.

Mr. NITTLE. Can you tell us who effected the appointment of Helen Travis as the secretary of the Los Angeles branch of the Medical Aid to Cuba Committee?

Miss BUHAL. I will not answer any questions concerning associations of any kind.

Mr. NITTLE. We are not asking you about associations, but about your activities in relation to the subject of inquiry of this hearing, which is, namely, an inquiry into Communist propaganda activities in support of the Communist regime in Cuba, foreign travel undertaken by United States citizens in connection with such activities, and the activities of United States citizens acting on behalf of, or in the interests of, foreign Communist principals.

Miss BUHAL. Which of those objectives does this question apply to?

The CHAIRMAN. You asked for it. You are directed to answer the question.

Miss BUHAL. I shall not answer this question and I decline to answer this question on all of the grounds previously stated.

Mr. NITTLE. In the course of the testimony received in Washington, Melitta del Villar testified that she received contributions from branch organizations of the Medical Aid to Cuba Committee.

Did you forward to the New York office of the Medical Aid to Cuba Committee any contributions collected in this area?

Miss BUHAL. Contributions, collecting contributions, charitable purposes, are not the function of this committee. I shall, therefore, decline to answer the question on that ground and on all other grounds previously stated.

Mr. NITTLE. I'd like to state for the record that, with respect to the activities of Helen Travis, she had been formerly employed by the *Daily Worker* and a committee report—

Miss BUHAL. I have told you I will not—

Mr. NITTLE. Now, just a minute, please.

Miss BUHAL. I will not answer any questions about associations. Why do you persist—

Mr. NITTLE. Now, just a minute.

Miss BUHAL. Who are you addressing it to?

[Laughter.]

Mr. NITTLE. I am addressing myself—

Miss BUHAL. Are you testifying, sir, or am I?

Mr. NITTLE. A report of the House Committee dealing with the assassination of Leon Trotsky, the political rival of Joseph Stalin—

[Laughter.]

Miss BUHAL. Mr. Chairman, may I have your attention, please?

Counsel was testifying. He is asking me questions about a person whom I have indicated I shall decline to ask—answer no questions. May I point out—

The CHAIRMAN. What is the pending question?

Miss BUHAL. —that in the Watkins case the Court said—

The CHAIRMAN. Are you making a statement as to the pertinency or is that a pending statement—

Mr. NITTLE. Yes. That's what I was intending to do, to make a statement on pertinency.

The CHAIRMAN. Well, proceed.

Mr. NITTLE. You have raised a question about the question I have asked you relating to the contributions allegedly made by your Los Angeles group to the New York group of the Medical Aid to Cuba Committee.

Miss BUHAL. I have raised no question. I have answered that question and I do not see—

The CHAIRMAN. What is the next question?

Mr. NITTLE. To your knowledge, have the funds which you have transmitted to the New York office of the Medical Aid to Cuba Committee been utilized for the purchase of medical supplies for Cuba?

Miss BUHAL. The question assumes a fact not in evidence, and I would ask the chairman to direct counsel to rephrase it.

The CHAIRMAN. Quite to the contrary, I direct you to answer the question, which is a proper one.

Miss BUHAL. There is no evidence that I have received any funds for the Medical Aid Committee—

The CHAIRMAN. You are being asked the question.

Miss BUHAL. He said did the funds which you received, and there is no—this is a matter—

The CHAIRMAN. You are directed to answer the question.

Miss BUHAL. Very well. If I am directed to answer improperly framed questions, questions which assume facts not in evidence, then I, of course, shall decline to answer on the grounds previously stated.

Mr. NITTLE. Miss Buhai, the Communist Party West Coast publication, the *Daily People's World* of October 26, 1957, carried an account of your efforts for admission to the California Bar at that time, and stated—

Miss BUHAL. I will instruct the chairman to instruct counsel that any matters concerning my admission to the California Bar have been judicially determined by the Supreme Court of the State of California. I am a member of the bar and I instruct the chairman to instruct counsel to refrain from asking any questions along this area.

This is not a matter which is in the purview of this committee.

The CHAIRMAN. All right. Now, you have made your motion. You are not going to instruct the Chair to do anything.

Miss BUHAL. I didn't instruct. I have asked.

The CHAIRMAN. You said you instructed the Chair to instruct.

Miss BUHAL. I have asked you to instruct.

The CHAIRMAN. What is the question? You must come to the question.

Mr. NITTLE. The *Daily People's World* made a report of your statements reportedly in testimony before a committee of the bar

association who were examining into your fitness to practice law, as to moral character.

Now, the *Daily People's World* reported——

Miss BUHAI. That matter just——

Mr. NITTLE. Now, just a moment. Please. I will give you a question.

The CHAIRMAN. Wait. We haven't reached the question.

Miss BUHAI. No. We don't have to reach it.

Mr. NITTLE. The *Daily People's World*, Mr. Chairman, reported as follows:

Former student at Southwestern University, Miss Buhai, stated before the State Bar Examiners during a hearing in 1955 that she had—11 years before—been a member of the Communist party, but had resigned.

The CHAIRMAN. Now, ask the question.

Mr. NITTLE. Was that a correct report of your testimony?

Miss BUHAI. I will not answer any question which is not within the purview of this committee.

All questions regarding my fitness to practice law have been resolved by the Supreme Court of this State.

Mr. NITTLE. I am not asking you with respect to——

The CHAIRMAN. Wait a minute. The Chair will handle that.

This question has nothing to do with your admission to the bar. You are directed to answer it.

Miss BUHAI. I will not answer any such question and I decline to answer on all of the grounds previously stated, and I further——

The CHAIRMAN. Proceed.

Miss BUHAI. —state——

Mr. NITTLE. Were you a member——

The CHAIRMAN (to reporter). Take down his question.

Miss BUHAI. —the Watkins case——

Mr. NITTLE. —of the Communist Party in the year 1944?

Mr. JOHANSEN. Mr. Chairman, I make the point that the witness is entirely out of order, and I ask that the witness be ordered to suspend.

The CHAIRMAN. Ask the question.

Mr. NITTLE. Were you a member of the Communist Party in the year 1944 as is indicated by the *Daily People's World* report of your testimony?

Miss BUHAI. All questions regarding political associations are not within the realm of this committee. I shall decline to answer on all the grounds previously stated.

Mr. NITTLE. Are you now a member of the Communist Party?

Miss BUHAI. I have just indicated that I shall decline to answer all grounds relating to political associations—all questions relating to political associations on all of the grounds previously stated.

Mr. NITTLE. No further questions.

Perhaps, Mr. Chairman, I think that I would like to ask one or two more questions before we close.

The CHAIRMAN. All right.

Mr. NITTLE. Miss Buhai, I have before me a copy of a report given by the *Daily News* of Whittier, California, carried in its June 22, 1963, issue. The article reports that there was a meeting under the sponsorship of the Women Strike for Peace group in Whittier, California,

held at the Unitarian Center, 201 South Bright Avenue. The article indicates that Harriett Buhai of Los Angeles appeared there, together with Jean Kidwell Pestana, attorneys of the Los Angeles area, who were attempting to answer written questions in the course of this meeting relating to Cuba; that Miss Buhai ran a slide projector showing slides, while Mrs. Kidwell lectured.

The newspaper account states——

Miss BUHAI. Is this testimony, sir? Are you giving testimony?

The CHAIRMAN. Proceed.

Miss BUHAI. Or is this a question? I am lost.

The CHAIRMAN. He is laying the foundation for a question.

Mr. NITTLE. Let me ask, Were you in attendance there at the meeting at the Unitarian Center on June 21, 1963?

Miss BUHAI. What group did you say this was?

Mr. NITTLE. Women Strike for Peace.

Miss BUHAI. Oh, I see. Now, "peace" is a word which is not used——

Mr. NITTLE. No, the——

The CHAIRMAN. What is the simple question?

Mr. NITTLE. Were you in attendance as a speaker or lecturer at the meeting at the Unitarian Center?

The CHAIRMAN. You are directed to answer that question.

Miss BUHAI. I shall answer the question, of course.

Mr. NITTLE. Were you——

Miss BUHAI. I shall answer the question if you will just wait a moment. I would like to say that——

The CHAIRMAN. You are directed to answer.

Miss BUHAI. —that my right to speak about peace, about domestic and foreign affairs, shall not be infringed upon by this committee.

The CHAIRMAN. You are directed to answer the question.

Miss BUHAI. Therefore, in view of the atmosphere of this committee, in view of what this committee is trying to do to such noble words as "peace," "speech," "discussion," I shall decline to answer this question on all of the grounds previously stated.

Mr. NITTLE. In the course of your appearance there, in answering questions, a newspaper account reports that a Lorenzo Pascillo, a Los Angeles tool and diemaker, who said he was a member of the Cuban Liberation Movement, stood up and declared——

Miss BUHAI. Excuse me. Have you laid any foundation for that?

The CHAIRMAN. That is exactly what he is doing. Proceed.

Mr. NITTLE. He said:

I was inside Cuba within the last 30 days. Your program showed the Communist side of Cuba. We were there making raids. This is not the true Cuba. This is what the Communists want you to see.

You've heard the expression of their side, and now we'd like to give you our side of the story.

Later, you are reported as saying that "I'm a lawyer and I'm used to working with my mind. I'm not used to hooliganism," that you had never run up against anything like that.

[Laughter.]

Miss BUHAI. Are you going to let me read the article?

Mr. NITTLE. The way that was suggested by Mr. Pascillo, "the Communist side"——

Miss BUHAI. Are you testifying? Are you asking me one question, several questions? I am not accustomed to being questioned or questioning people in this manner. I am——

The CHAIRMAN. Ask the question.

Miss BUHAI. I am accustomed to being in a court of law, where questions are properly propounded. I am not used to hearsay evidence. I don't know how to function in such a proceeding as this.

Mr. NITTLE. Mr. Chairman, this is a three-column article. I think it ought to be made an exhibit and inserted in full in the record.

The CHAIRMAN. What was the occasion? What was the meeting?

Mr. NITTLE. There was a meeting at the Unitarian Center, 201 South Bright Avenue.

The CHAIRMAN. On what date?

Mr. NITTLE. On June 21, 1963.

The CHAIRMAN. Were you in attendance at that meeting as indicated in that article?

Miss BUHAI. May I see the article?

Mr. NITTLE. Yes.

Miss BUHAI. Is it proper to allow a witness to look at an exhibit?

The CHAIRMAN. Oh, surely.

Mr. NITTLE. But let me first direct your attention to one thing——

The CHAIRMAN. That is the question that the Chair asked, Were you in attendance at that meeting?

Miss BUHAI. I don't know which meeting he is referring to. If he is referring to a meeting and an exhibit which I have not seen, for which no foundation has been laid——

The CHAIRMAN. Here is the article. I direct you to answer that question that I asked. It's a simple question.

Miss BUHAI. When I read the article I will ask you to repeat it. I can't remember the questions after so much discussion.

May I ask a question about this exhibit?

Mr. NITTLE. Perhaps Mr. Wheeler——

Miss BUHAI. "Whittier, California, Saturday, June 22," is superimposed on this article by Scotch tape. I have no way of knowing what the date of this article was because the article is not in one piece.

I do not know who superimposed this on there. I do not know when it was done. This is not——

The CHAIRMAN. So you decline to answer the question on the basis that you don't know anything about it, is that the idea?

Miss BUHAI. I decline to answer a question based on an exhibit which is not properly authenticated, which does not allow me to ascertain whether or not this article was, in fact, printed in Whittier, California, Saturday, June 22, 1963, the *Daily News*. And I decline to answer on all of the other grounds previously stated.

The CHAIRMAN. All right.

(Document marked "Buhai Exhibit No. 1" follows.)

BUHAI EXHIBIT No. 1

Whittier, Calif., Sat., June 22, 1963

The DAILY NEWS—7

OVER CONDITIONS IN CUBA

Row Flares At Women's Peace Group Meet Here

Peace was the object, but it Mrs. Mary Ann Holser of La Habra, chairman of the meeting, then reminded the audience that questions could be asked by putting them in writing; and she pleaded for order.

Hecklers in the audience hinted that some of the women present were sympathetic with the Communist cause. And a woman attorney, Harriet Buhai of Los Angeles, who was attempting to answer written questions, deplored what she called "holliganism" by the hecklers.

When someone in the audience who was in sympathy with the Women Strike for Peace movement threatened to enforce order, there were cat calls from the hecklers and one of them quickly removed his jacket.

But there was no violence.

It wasn't until after Mrs. Jean Kidwell, a Los Angeles attorney who toured Cuba in May 1962, completed a lecture illustrated with color slides about her Cuban trip, that the commotion began.

Women were collecting written questions from the audience of about 100 persons at the Unitarian Center, 201 S. Bright Ave., when Lorenzo Pascillo, a Los Angeles tool and die maker who said he was a member of the Cuban Liberation Movement, stood up and declared:

Not True Cuba

"I was inside Cuba within the last 30 days. Your program showed the Communist side of Cuba. We were there making raids. This is not the true Cuba. This is what the Communists want you to see. 'You've heard the expression of their side, and now we'd like to give you our side of the story.'"

say how they obtained passports to visit Cuba.

"The State Department doesn't allow Americans to go to Cuba, does it?" asked a man in the audience.

There was no answer from the women.

Another man asked if the House Un-American Activities Committee was going to investigate persons who traveled to Cuba.

"I don't know," replied Miss Buhai, "I'm not a member."

"We know that," the questioner said. "That's the reason they're investigating. They're investigating people like you."

The slides included pictures of pleasant and modern looking housing projects and schools in Cuba, as well as substandard buildings and slums.

Mrs. Kidwell said she was accompanied on her tour of Cuba by a friend and an official Cuban interpreter.

Her Impressions

Before she began her presentation, Mrs. Kidwell explained that "I am no authority" on Cuba, but was interested in giving her impressions of the country to the audience.

The Women Strike for Peace is a pacifist organization consisting of an estimated 500,000 women. The Whittier chapter meets, usually informally at a home, almost monthly.

Mrs. Holser said many of the written questions collected from the audience at Friday night's meeting were "obscene, personal" ones.

Two Trips

Miss Buhai said she also had traveled to Communist Cuba. Her first trip, she said, was in 1961, the second in 1962.

Neither of the women would

Mr. NITTLE. Now, Miss Buhai, the *People's World* of January 9, 1960, carried an account of the election held by the Lawyers Guild for the Los Angeles-Hollywood-Beverly Hills Chapter of the National Lawyers Guild. The article that I have before me, which we will exhibit to you, is titled, "Lawyers Guild elects officers," dated at Los Angeles, and I quote it in full in the record:

Atty. Robert L. Brock will serve another year as president of Los Angeles and Hollywood-Beverly Hills Chapter of the National Lawyers Guild, as result of elections last week.

Pauline Epstein was elected vice-president, Jean Kidwell, treasurer, Robert J. Schmorleitz, secretary, and Seymour Mandel, administrative secretary.

Executive board members are: (Los Angeles) Robert W. Kenny, Ben Margolis, Daniel G. Marshall, Frank Munoz, A. L. Wirin and Mandel; (Hollywood-Beverly) Harriett Buhai, Aubrey I. Finn, David J. Sachs——

Miss BUHAI. Are you naming the other people for some——

Mr. NITTLE. "Laurence R. Sperber and Jack Tenner."

Miss BUHAI. Do you have a question, now that you have testified?

Mr. NITTLE. Were you elected to the position as an executive board member of the Los Angeles-Hollywood-Beverly Hills Chapter of the National Lawyers Guild?

Miss BUHAI. Now, you are making inquiry into professional bar association——

The CHAIRMAN. The witness will answer the question. It is already in evidence, the citation and facts and——

Miss BUHAI. Of what? The citation of what?

The CHAIRMAN. Concerning the Guild referred to. The witness was——

Miss BUHAI. There is nothing in evidence here.

The CHAIRMAN. It's already in the record.

Miss BUHAI. I wish to state——

The CHAIRMAN. The witness is directed to answer that simple question.

Miss BUHAI. Very well. I shall tell you I am a member of the National Lawyers Guild. I have served on the executive board of the National Lawyers Guild. This is a matter of public record with the State Bar of California.

The CHAIRMAN. All right.

(Document marked "Buhai Exhibit No. 2" and retained in committee files.)

Miss BUHAI. The committee did not have to spend my money to come out here and ask this question.

The CHAIRMAN. We are glad to have you answer.

Miss BUHAI. They could have written a letter and found it out. This is merely an exposure for exposure's sake.

The CHAIRMAN. Next question.

Miss BUHAI. For the aggrandizement of the committee.

The CHAIRMAN (to reporter). Take down his question.

Mr. NITTLE. Now, Miss Buhai, of the 15 persons whom I have named, and that includes yourself in that number——

Miss BUHAI. Exposure for exposure's sake. Watkins says no.

[Laughter.]

Miss BUHAI. Watkins says no.

[Applause.]

Mr. NITTLE. Now, let me repeat the question to you.

Miss BUHAI. Mr. Chairman——

The CHAIRMAN. He has not asked a question.

Miss BUHAI. I know what the question is.

Mr. NITTLE. I have not——

Miss BUHAI. May I instruct——

Mr. NITTLE. Of the 15 persons I have named, the following have been identified in testimony received before the committee——

The CHAIRMAN. He is not asking a question. He is making a statement for the record.

Miss BUHAI. He is testifying.

Mr. NITTLE. —as members of the Communist Party: Pauline Epstein, Jean Kidwell, Seymour Mandel, Ben Margolis, Aubrey I. Finn, Laurence R. Sperber, and Jack Tenner.

Now, that is 7 of the 15 named persons.

Now, as to the eighth individual, yourself, Harriett Buhai, you have yourself in testimony admitted former Communist Party membership.

Miss BUHAI. No testimony taken here.

Mr. NITTLE. Testimony before the bar.

Miss BUHAI. No testimony before the bar that is in evidence here.

Mr. NITTLE. The question is: Did you know these seven persons I have named, identified in testimony before this committee, as members of the Communist Party?

Miss BUHAI. This question is clearly——

The CHAIRMAN. The question is very simple and it is, Did you know——

Miss BUHAI. Mr. Chairman, I am not sitting here and——

The CHAIRMAN. On the contrary, I am directing you to answer the question——

Miss BUHAI. Very well. May I ask——

The CHAIRMAN. —which is a proper one, and it is whether you knew that the seven persons named and just read into the record to be or to have been members of the Communist Party? That is the pending question. I order you to answer it.

Miss BUHAI. He said that they were named. Were they named at hearings of this committee?

The CHAIRMAN. You are ordered to answer the question as to your knowledge of the subject. You are ordered to answer the question.

Miss BUHAI. I will answer it in protest since you haven't answered mine.

You have not told me whether this committee——

The CHAIRMAN. You are ordered to answer the question.

Miss BUHAI. —whether this committee made these people—if it was before this committee, then I feel I shall decline to answer the question on all grounds——

The CHAIRMAN. You are ordered to answer the question.

Miss BUHAI. I have answered the question.

The CHAIRMAN. Otherwise, the committee——

Miss BUHAI. I have answered the question. I have declined to answer it on the grounds previously stated, which I said very clearly.

Mr. NITTLE. Just one more question, and then we will conclude.

During the course of the Los Angeles hearings into communism in professional groups conducted in 1952 by this committee——

Miss BUHAI. That is 11 years ago, sir.

Mr. NITTLE. —testimony was received——

Miss BUHAL. Eleven years ago.

Mr. NITTLE. —testimony was received from lawyers——

Miss BUHAL. Is that 11 years ago?

Mr. NITTLE. —particularly A. Marberg Yerkes, in which he testified that the Communist Party had instructed its lawyer members to be active in the National Lawyers Guild.

And he testified further that, in fact, in the executive groups of the National Lawyers Guild, the Communist members succeeded in controlling the activities of the organization generally.

He did testify that at that time about one third of the Los Angeles Lawyers Guild group were Communist Party members, about one third liberal and non-Communist, and about one third anti-Communist. But he said that on the executive board, the one third Communist membership ordinarily had its way.

Now, in this case here, as to the executive board of the Los Angeles group of the National Lawyers Guild, it appears that 7 members of a group of 15 have been identified in sworn testimony before this committee. You are an eighth person who has previously testified to party membership and have not denied it now.

Now, are you aware——

Miss BUHAL. Mr. Chairman——

Mr. NITTLE. —of any effort by the Communist Party to dominate the National Lawyers Guild, and who the Communist Party members of the Lawyers Guild are that do dominate?

Miss BUHAL. This is a compound question.

The CHAIRMAN. Ask a simple question, your first question.

Miss BUHAL. Will you ask me a simple question without testifying first?

The CHAIRMAN. Ask a simple question.

Mr. NITTLE. Yes.

To your knowledge, have I identified members of the Communist Party personally known to you to be members of the Communist Party controlling the Los Angeles Chapter of the National Lawyers Guild?

Miss BUHAL. This is a question——

The CHAIRMAN. The question is one within your knowledge. Do you know that to be a fact?

Miss BUHAL. This is a question—you do not know whether this is within my knowledge or not, do you?

The CHAIRMAN. Well, you are simply being asked whether it is within your knowledge, and you are directed to answer whether you have any knowledge.

Miss BUHAL. Then wait until I say whether I do or do not, please.

The CHAIRMAN. The question is, Do you have such knowledge yourself?

Miss BUHAL. My answer is that this again is a question of exposure for exposure's sake, going into associations——

The CHAIRMAN. You are directed to answer the question. Have you finished?

Mr. NITTLE. Yes.

Miss BUHAL. —using a date of 1952 when I wasn't even a lawyer until 1953.

The CHAIRMAN. You are directed to answer the question.

Miss BUHAI. And I decline to answer on all the grounds previously stated.

The CHAIRMAN. All right.

Miss BUHAI. May the record show——

The CHAIRMAN. Is that all?

Mr. NITTLE. Yes, sir. That is all.

The CHAIRMAN. The committee will stand in recess for 10 minutes, and the witness is excused.

[Applause.]

(Whereupon, at 3 p.m., the subcommittee recessed, to reconvene at 3:10 p.m., of the same day.)

The CHAIRMAN. Please be seated. The subcommittee will please come to order.

These hearings in Los Angeles today and yesterday have demonstrated, I believe, as have the earlier hearings in Washington, that the laws of this country relating to travel to Cuba are being flouted by certain elements.

The record also reveals in the subcommittee's view that the witnesses who have testified yesterday and today; namely, Rose Rosenberg, George Waegell, Joseph Shapiro, Jon Joseph Read, John Allen Johnson, Margaret Frances Johnson, Irene Paull, Robert Randolph, Valeda Randolph, Karl Weichinger, Jovita Weichinger, and Harriett Buhai, have traveled to Cuba without appropriately validated passports since January 16, 1961, or, having gone there earlier, remained beyond that date without obtaining validation for return to the United States.

It thus appears that these persons are in violation of section 1185 of the Immigration and Nationality Act. Their cases will, therefore, be referred to the Department of Justice for possible prosecution.

The committee's investigation of illegal Cuban travel will continue, as will its inquiring into the propaganda activities of persons who are apparently serving as agents of foreign principals.

On the basis of information developed to date in 5 days of hearings, including these two in Los Angeles, I believe that the committee will be in a position to make certain recommendations for amendments to existing legislation and also to bills pending in the Congress which relate to travel and propaganda activities and possible amendment of the Foreign Agents Registration Act.

The committee wishes to express its appreciation and thanks to George O'Brien, the United States marshal, Mr. Peter Pitchess of the Sheriff's office, Mr. William B. Parker, chief of police of Los Angeles, Mr. Edward Stillwell, superintendent of Federal properties, for making these hearing facilities available to us.

We wish, also, to express our appreciation to the press, the radio, and television for their cooperation. And, frankly, in the light of the nature of these hearings I think the people in attendance who have been our guests have been quite moderate, and we appreciate that, too.

And so, this will conclude this phase of our hearings in the areas indicated, and the committee will stand adjourned. But, before that, I want to give an opportunity to members of the subcommittee and to our colleague from Ohio, who happens to have been here during these hearings, to offer any comments or statements they might wish to make.

Mr. TUCK. I have nothing to say except that I wish to associate myself with your remarks and to say that I am in full accord with the views that you have expressed.

Mr. JOHANSEN. I associate myself, also, with the statements of the chairman, which is the statement also of the committee, and express my respect and admiration for the manner in which the chairman has handled these hearings.

The CHAIRMAN. We'd like to hear from you, sir.

Mr. ASHBROOK. I want to associate my comments with those which were made by the subcommittee and reiterate my admiration for the fact of the perseverance and the ability of the chairman in presiding at this meeting.

The CHAIRMAN. The committee stands adjourned.

(Whereupon, at 3:15 p.m., Tuesday, July 2, 1963, the subcommittee was adjourned subject to the call of the Chair.)

VIOLATIONS OF STATE DEPARTMENT REGULATIONS AND PRO-CASTRO PROPAGANDA ACTIVITIES IN THE UNITED STATES

Part 2

MONDAY, AUGUST 5, 1963

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D.C.

PUBLIC HEARINGS

The subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10:15 a.m., in Room 304, Cannon House Office Building, Washington, D.C., Hon. Edwin E. Willis (chairman) presiding.

Subcommittee members: Representatives Edwin E. Willis, of Louisiana; William M. Tuck, of Virginia; and August E. Johansen, of Michigan.

Subcommittee members present: Representatives Willis, Tuck, and Johansen.

Committee members also present: Representatives Joe R. Pool, of Texas; George F. Senner, Jr., of Arizona; and Donald C. Bruce, of Indiana. (Appearances as noted.)

Staff members present: Francis J. McNamara, director; Alfred M. Nittle, counsel; and Neil E. Wetterman, investigator.

The CHAIRMAN. The subcommittee will come to order.

The subcommittee is convened to continue hearings, begun here in Washington on May 6 of this year, on certain matters and for the legislative purposes set forth in a committee resolution adopted April 24, 1963.

That resolution, I think, has twice been put in the record before; has it not?

Mr. NITTLE. Yes, sir.

The CHAIRMAN. It will be made a part of this statement, and I shall not read it three times.

* * * * *

¹ For resolution and summarization of chairman's opening statement of May 6, 1963, see pp. 443-445.

I will now read for the record the order of appointment of the subcommittee conducting these hearings:

JULY 11, 1963.

TO: MR. FRANCIS J. MCNAMARA,
Director, Committee on Un-American Activities.

Pursuant to the provisions of the law and the Rules of this Committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, consisting of Honorable William M. Tuck and Honorable August E. Johansen as associate members, and myself, as Chairman, to conduct a hearing in Washington, D.C., Monday, August 5, 1963, at 10 A.M., on subjects under investigation by the Committee and take such testimony on said day or succeeding days, as it may deem necessary.

Please make this action a matter of Committee record.

If any Member indicates his inability to serve, please notify me.

Given under my hand this 11th day of July, 1963.

/s/ Edwin E. Willis
EDWIN E. WILLIS,

Chairman, Committee on Un-American Activities.

Mr. Nittle, call your first witness.

Mr. NITTLE. Yes, sir.

Would Jean Estelle Kidwell Pestana please come forward?

The CHAIRMAN. Please raise your right hand.

Mrs. PESTANA. I will affirm.

The CHAIRMAN. Do you affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

Mrs. PESTANA. I do.

I would prefer no pictures.

The CHAIRMAN. All right. Proceed.

TESTIMONY OF JEAN ESTELLE KIDWELL PESTANA, ACCOMPANIED BY COUNSEL, DAVID REIN—Resumed

Mr. NITTLE. Would you state your full name and residence for the record, please?

Mrs. PESTANA. My professional name is Jean Kidwell. I practice law under that name. I am married to Frank Pestana. Therefore, I am also known as Jean Pestana.

Mr. NITTLE. You also have the middle name "Estelle." Is that correct?

Mrs. PESTANA. Yes.

Mr. NITTLE. Are you represented by counsel?

Mrs. PESTANA. I am.

Mr. NITTLE. Would counsel kindly identify himself for the record, stating his name and office address?

Mr. REIN. David Rein, R-e-i-n, 711 14th Street, Northwest, Washington, D.C.

Mr. NITTLE. I believe you indicated that you are the wife of Frank S. Pestana. Is that correct?

Mrs. PESTANA. Yes, I am.

Mr. NITTLE. Were you married on February 8, 1942, to him?

Mrs. PESTANA. Yes.

Mr. NITTLE. Would you state the date and place of your birth, please?

Mrs. PESTANA. August 11, 1917, in San Francisco, California.

Mr. NITTLE. Now would you relate the extent of your formal education, giving the dates and places of attendance at educational institutions and any degrees you may have received?

Mrs. PESTANA. Well, I have completed all the requirements and attended all the public schools in the State of California, completing all necessary requirements to be admitted to the bar in 1947, of the State of California.

Mr. NITTLE. What high school did you attend?

(Witness conferred with counsel.)

Mrs. PESTANA. Polytechnic High School.

Mr. NITTLE. What college did you attend?

Mrs. PESTANA. University of California.

Mr. NITTLE. What degree did you receive there?

(Witness conferred with counsel.)

Mrs. PESTANA. Bachelor of arts, and later a bachelor of laws from the law school.

Mr. NITTLE. What university did you attend to study law?

Mrs. PESTANA. I attended the University of California at Berkeley for my first year, completing my education at the University of Southern California in Los Angeles.

Mr. NITTLE. Did you receive a bachelor of laws degree from the University of California?

Mrs. PESTANA. No, from the University of Southern California.

Mr. NITTLE. What is your present occupation?

Mrs. PESTANA. I am an attorney.

Mr. NITTLE. How long have you been engaged in the practice of law?

Mrs. PESTANA. Well, after being admitted to the bar in 1947, I have practiced in between children.

Mr. NITTLE. Where do you maintain your offices?

Mrs. PESTANA. In Hollywood.

Mr. NITTLE. I do not believe you gave me your residence for the purposes of the record.

Mrs. PESTANA. My—I was subpoenaed at my office and would be happy to give you that address.

Mr. NITTLE. Would you state your residence, please?

Mrs. PESTANA. 7279 Mulholland Drive, in Los Angeles.

Mr. NITTLE. The official records indicate that you last applied for a passport on January 15, 1960, in Los Angeles, California, stating your intention to travel for pleasure for about 3 or 4 months to Sweden, Norway, England, Denmark, France, and Italy.

Pursuant to this application, a passport, No. 1899805, was issued to you on January 28, 1960.

Are you presently in possession of that passport?

(Witness conferred with counsel.)

Mrs. PESTANA. I am going to refuse to answer your question for the following reasons:

First, I do not believe that this committee has any authority to conduct this investigation, because the committee is improperly constituted.

Section 2 of the fourteenth amendment to the Constitution of the United States provides, in effect, that the basis of representation of each State shall be reduced proportionately if eligible citizens of that State are illegally denied the right to vote.

The Chairman and one other member of the committee come from States that deny substantial sections of the population the right to vote, solely on the basis of race.

Secondly, this committee has, during the course of its existence, systematically denied and sought to prevent the exercise of its citizens of their fundamental rights guaranteed by the first amendment of the Constitution, which provides, in part, that Congress shall make no law abridging the freedom of speech or of the press, religion, or the right of the people peaceably to assemble and petition their Government for redress of grievances.

Thirdly, I will further decline to answer on the ground afforded me by the fifth amendment to the Constitution, in that a person can't be compelled to be a witness against himself.

For those reasons, I will decline to answer your question.

Mr. NITTLE. Have you at any time on or after January 16, 1961, applied to the Department of State for a validation of your passport for travel to Cuba?

Mrs. PESTANA. I have refused to answer your previous question and I will similarly refuse to answer this question.

Mr. NITTLE. Have you at any time on or after January 16, 1961, received from the Department of State a validation of passport for travel to Cuba?

Mrs. PESTANA. I believe that the right to travel freely is essential in the exercise of the first amendment rights and, therefore, I will refuse to answer that question and I will further refuse on the ground previously stated.

Mr. NITTLE. Have you at any time on or after January 16, 1961, traveled to Cuba?

Mrs. PESTANA. You have asked the same question, and I give you the same answer.

Mr. NITTLE. The committee's investigation discloses that in the company of Rose Schorr Rosenberg you flew to Cuba from Mexico via Cubana Airlines on or about April 6, 1962, returning to the United States some time in May 1962.

Did you visit Cuba at or about that time?

Mrs. PESTANA. You have asked the same question, and I——

The CHAIRMAN. No, he has not, and you are a lawyer, you know he did not. You won't answer, and therefore we will develop the record in our own way, and the purpose of it will become clear later on. And therefore I direct you to answer that question.

Mrs. PESTANA. I have refused to answer on the same grounds.

Mr. NITTLE. Would you tell us the persons who accompanied you to Cuba?

Mrs. PESTANA. I think your questions demonstrate the primary purpose of this committee. You are now asking me to name other persons and you wish, further, not only to deny me my rights——

The CHAIRMAN. The question is a proper one. I direct you to answer it.

Mrs. PESTANA. —under the first amendment, but you further deny me the right of free association, and therefore I am refusing to answer on the same grounds.

Mr. NITTLE. Did you travel to Cuba in the company of Rose Schorr Rosenberg?

Mrs. PESTANA. What was—that was the same question.

Mr. NITTLE. No, it isn't.

Mrs. PESTANA. With the same answer.

Mr. NITTLE. It is the information of the committee that you at no time on or after January 16, 1961, applied for, or received from the Department of State, a passport or other travel document specifically endorsed for travel to Cuba. Is this information correct?

Mrs. PESTANA. I am refusing to answer all questions with reference to such travel and, therefore, I also refuse to answer this question.

Mr. NITTLE. Now I hand you a report appearing at page 3 of the Communist publication *People's World* of June 2, 1962, entitled "2 Cuba visitors to report on trip," marked for identification as "Jean Pestana Exhibit No. 1."

I also hand you a notice appearing at page 11 of the pro-Communist *National Guardian* of June 4, 1962, and direct your attention to a notice appearing under the column titled "CALENDAR," subheading "LOS ANGELES," marked for identification as "Jean Pestana Exhibit No. 2."

These exhibits have already been read into the record as Rosenberg exhibits numbered 1 and 2.¹

These items advise of your appearance at a meeting of the Los Angeles Committee for Medical Aid to Cuba on June 6, 1962, at Channing Hall, 2936 West 8th Street, Los Angeles, together with Rose Rosenberg, to report on a 1-month visit to Cuba during April and May of 1962.

Are you not the Jean Kidwell Pestana to whom reference is made in these exhibits?

Mrs. PESTANA. I think we could speed this up greatly if you simply asked me the last portion of your question.

These are—I will not identify these exhibits for you.

Your question is really simply that whether I visited Cuba——

Mr. NITTLE. The question is a very simple one. Are you the——

Mrs. PESTANA. —at this particular time.

Mr. NITTLE. Are you the Jean Pestana to whom reference is made in those exhibits?

Mrs. PESTANA. I have identified myself properly, and you have exhibits which are completely unnecessary. It is a free press, I assume.

The CHAIRMAN. I direct you to answer the question.

Mrs. PESTANA. I am answering the question. I think the question had absolutely no necessity for the prelude to the question.

(Documents marked "Jean Pestana Exhibits Nos. 1 and 2," respectively, and retained in committee files.)

The CHAIRMAN. Proceed with the next question, Mr. Counsel.

Mrs. PESTANA. The question was simply whether I was there, and I have refused to answer that question on the grounds already stated.

Mr. NITTLE. Mrs. Pestana, are the facts set forth in those exhibits relating to the period of your visit to Cuba correct?

Mrs. PESTANA. What facts are you referring to? Is that the same question, whether I visited Cuba in May of 1962?

The CHAIRMAN. It is not. The former question was whether you are the person identified or referred to in those articles. This is a different question, and you may as well make up your mind we will develop the facts and put them on the record according to our own procedure and in our own good way.

¹ See testimony of Rose Schorr Rosenberg, pp. 459, 460.

I direct you to answer the question.

Mrs. PESTANA. I refuse to answer on the same grounds.

(Witness conferred with counsel.)

Mr. NITTLE. Did you, in fact, appear at the scheduled meeting at Channing Hall, which I believe is the address of the First Unitarian Church, on June 6, 1962, and deliver a report of your visit to Cuba?

Mrs. PESTANA. I refuse to answer on the same grounds.

Mr. NITTLE. Now I also hand you a photostatic copy of a flier marked for identification as "Jean Pestana Exhibit No. 3," which was circulated in the spring of this year. It announces that the College Center of the First Unitarian Church would present a special event, open to college age only, on April 21. The special event was, "Be An Eye Witness in Cuba," with Frank Pestana and Jean Kidwell, attorneys, who would present "Cuba Today in Pictures."

Did you deliver the presentation as advertised at the First Unitarian Church on April 21?

Mrs. PESTANA. Your question, then, is whether I, on April 21, reported on the trip to Cuba; and I am going to refuse to answer that question on the same ground.

Mr. NITTLE. Mr. Chairman, I offer Exhibit 3 in evidence.

The CHAIRMAN. It will be incorporated in the record.

Mr. NITTLE. The flier just exhibited to you bears the information that Frank Pestana and Jean Kidwell conducted an extensive tour of Cuba outside Havana in May 1962.

Did you conduct an extensive tour of Cuba in May 1962, as stated?

Mrs. PESTANA. That is the same question asked previously, and I answer in the same manner. I refuse to answer that question.

The CHAIRMAN. On what grounds?

Mrs. PESTANA. Am I directed to answer?

I will refuse on the grounds previously stated.

(Document marked "Jean Pestana Exhibit No. 3" follows.)

JEAN PESTANA EXHIBIT No. 3

THE
COLLEGE CENTER
of the First Unitarian Church

PRESENTS

A SPECIAL EVENT

BE AN EYEWITNESS IN CUBA?

ON APRIL 21 at 12:45 pm

FRANK PESTANA and JEAN KIDWELL,

ATTORNEYS

will present

"CUBA"

TODAY IN PICTURES

FRANK PESTANA AND JEAN KIDWELL conducted an extensive tour of CUBA OUTSIDE Havana in May 1962. They made an intensive survey of the medical facilities, agriculture, religious practices, industrialization, housing, and political activity of CUBA over the whole island. They have a comprehensive collection of slides to illustrate and document their lecture.

2936 W. 8th STREET

(Star King Room)

Refreshments

General Discussion

Free Admission

OPEN TO COLLEGE AGE ONLY

Mr. NITTLE. It appears from Exhibit 3 that you have been making an effort to influence college youth concerning Cuba. Is that not a fact?

(Witness conferred with counsel.)

Mrs. PESTANA. Could I have that question clarified?

Mr. NITTLE. I think the question is certainly clear enough, and should be to you.

Mrs. PESTANA. I think, from a lawyer's point of view, the word "influence" would not indicate what you refer to at all, but simply would be a conclusion.

Mr. NITTLE. Were you, or were you not, making an effort to influence college youth concerning Cuba?

Mrs. PESTANA. It is the same question.

Mr. NITTLE. What is your answer to the question?

Mrs. PESTANA. I can't answer your question. I don't even know what you mean by "influence."

Mr. NITTLE. Mr. Chairman, I request that the witness be directed to answer the question.

The CHAIRMAN. Well, phrase your question in the light of the Foreign Agents Registration Act, because that is the subject of the hearings this morning.

Mr. NITTLE. Was it your purpose to influence college youth or "to prevail upon, indoctrinate, convert" or "induce" them in any way, with respect to the public interests, policies, or relations of the Government of Cuba?

(Witness conferred with counsel.)

Mrs. PESTANA. May I see that section, please, that you read from? Unless you prefer to read it.

Mr. NITTLE. I was making an excerpt from the Foreign Agents Registration Act of 1938, the section thereof defining the term "political propaganda."

(Witness conferred with counsel.)

Mrs. PESTANA. I am not very well acquainted with the Foreign Registration Agents Act. I will answer your question in just a moment, and I do not understand your question, but if you are within the meaning of that act asking me whether I am a foreign agent, I am not a foreign agent.

Mr. NITTLE. The question was whether you were, by your appearance at the First Unitarian Church, addressing an audience which was restricted to those of college age, attempting to "prevail upon, indoctrinate, convert or induce" them with respect to the political or public interests, policies, or relations of the Government of Cuba.

Now, were you attempting to do just that? You are not being asked for a legal opinion. You are not being asked whether you are an agent of a foreign power.

(At this point, Mr. Pool entered the hearing room.)

Mrs. PESTANA. Well, I am so confused at this point I do not know what you are asking me.

Mr. NITTLE. Mr. Chairman, I think the question is perfectly clear, even to the witness, and I respectfully request that you direct her to answer the question.

The CHAIRMAN. The question comes within the purview of this hearing.

The resolution read twice, offered twice in the record before and again this morning, which you heard, I know, in Los Angeles, deals with this very subject of our inquiry, and I quote:

"1. To provide factual information to aid Congress in the disposition of presently pending legislation * * * or in the proposal of remedial legislation, in fulfillment of the directions contained in the mandate to the Committee" by the resolution creating it.

"2. The execution, by the administrative agencies concerned, of the Foreign Agents Registration Act of 1938, travel control laws," particularly Title 8 of the Code, "and regulations issued pursuant thereto, to assist the House in appraising the administration of such laws and regulations," and

"3. Consideration of the advisability of amending Title 22" of the Code "by extending the definition of the terms 'foreign principal' and 'agent of a foreign principal' so as to remove any doubt as to the true test of the agency relationship or its application to activities within the intent of Congress as expressed in the Act."

Accordingly, I direct you to answer the question.

(Witness conferred with counsel.)

Mrs. PESTANA. I can only answer a question which I understand—I think you would agree to that—and I do not know what question is presently pending that you are requesting that I answer.

The CHAIRMAN. Proceed, Counsel.

Mr. NITTLE. We come back to the initial question, Mrs. Pestana, and that is whether or not you are making an effort to influence college youth concerning Cuba.

Mrs. PESTANA. As I told you, I do not know what you mean by "influence." I have many opinions, I am sure you may agree with some and disagree with others, but simply asking me whether I wish to influence anyone—we all influence people in our immediate circles, we influence people every time we have a discussion, every time we meet in any kind of meeting among human beings, and your question just doesn't make any sense to me.

Mr. NITTLE. Well, would you say that you influence college students?

Mrs. PESTANA. I am sure that if you were in a group among college students, you probably would carry some influence with them.

Mr. NITTLE. Then the answer to the question is that you were seeking to influence college students with respect to Cuba?

Mrs. PESTANA. I have not indicated——

Mr. NITTLE. Is that correct?

Mrs. PESTANA. I don't know what you mean by "influence."

The CHAIRMAN. Let me put the question.

Mrs. PESTANA. I would appreciate it.

The CHAIRMAN. According to the previously asked questions and the exhibits in the record, it clearly appears that you did go to Cuba without proper travel papers and that, therefore, involves a violation of one law, and then from the exhibits in the record, it appears that you made certain appearances before groups to discuss your trip.

The question is: In those discussions, were you seeking to influence the audience in favor of the Communist regime? I think you can answer that question.

Now I ask you that.

Mrs. PESTANA. I know the question had a good deal of preliminaries, such as certain conclusions with reference to what evidence——

The CHAIRMAN. You asked for an explanation of the question. I have explained both.

I now direct you to answer it.

Mrs. PESTANA. The question has indicated that there is evidence which—and a conclusion as to my conduct in legal effect thereof.

The CHAIRMAN. Counsel, I direct you to ask your next question.

Mrs. PESTANA. And I will answer the question, but there have been a series of questions which have been really unintelligible, and I will answer the question, but I will not answer questions I don't think really we are in a position to engage.

The CHAIRMAN. Proceed with the next question. I am according her the favor of invoking her privileges. If she does not want to, proceed with the other questions.

Mrs. PESTANA. Well, I incidentally do not feel that I have to invoke privileges as to my opinions.

The CHAIRMAN. All right. Well, that is better. That is your answer then.

Proceed, Counsel.

Mr. NITTLE. You also appeared at a meeting of the Long Beach Unitarian Church on March 10, 1963, as a speaker on the subject of Cuba, together with your husband, Frank Pestana.

We are informed that your appearance was advertised in a Long Beach student newspaper.

Did you not address a group, among whom were college students, at the Long Beach Unitarian Church on March 10, 1963?

Mrs. PESTANA. I will give the same answer as previously given. I will refuse to answer on the same grounds.

Mr. NITTLE. It is the committee's information that in your appearance at the Long Beach Unitarian Church you showed slides of Cuba purporting to demonstrate conditions there, both prior to Castro, and after Castro as of May 1962, during the period of your visit. Slides of Cuban classrooms were also shown with trappings of Marx and Lenin.

Did you exhibit such slides in the course of your appearance there?

Mrs. PESTANA. It is my opinion that all these questions are simply directed to me in order to eliminate any person who dissents from the views of this committee or varies in any way from the conformity required, and I am going to refuse to cooperate with this committee, and I will refuse to answer on the same grounds.

Mr. NITTLE. Where and from whom did you obtain these slides which you exhibited in your talks?

Mrs. PESTANA. We could speed this up very rapidly if you just put the information in the record for your own purposes, and not——

The CHAIRMAN. No, we won't do that. We will give you an opportunity to answer.

Mrs. PESTANA. —direct these questions. I will not—I refuse to answer on the same grounds.

Mr. NITTLE. It is reported that you stated during the course of your appearance, "I have been in many socialistic countries, but the fastest progress has been in Cuba."

Now, would you tell us what "socialistic countries" you have visited?
(Witness conferred with counsel.)

Mrs. PESTANA. I refuse to answer on the same grounds.

Mr. NITTLE. We are further informed that you were asked a question during the course of your lecture at the Long Beach Unitarian Church as to whether you were in Cuba in May 1962, to which you replied, "Yes."

You likewise responded in the affirmative to the question whether you were at that time a guest of the Cuban Government.

Were you a guest of the Cuban Government in May 1962?

Mrs. PESTANA. I am sorry. I didn't hear the first part of the question. Were there two questions?

Mr. NITTLE. The preliminary statement was that our information indicated that you were asked whether you were in Cuba in May 1962 and that you said you were; that you also responded in the affirmative to the question whether you were at that time a guest of the Cuban Government.

Now I am asking you whether you were a guest of the Cuban Government in May 1962.

Mrs. PESTANA. I will refuse to answer the question on the same grounds.

Mr. NITTLE. It is also reported that you publicly stated to the audience at the Long Beach Unitarian Church that your itinerary to Cuba was from Mississippi through Mexico and then to Cuba via the Cubana Airlines.

Is that the course you took in visiting Cuba in May 1962?

(Witness conferred with counsel.)

Mrs. PESTANA. I refuse to answer on the same grounds.

Mr. NITTLE. The *Daily News* of Whittier, California, in the edition of June 22, 1963,¹ reports that you and Harriett Buhai, an attorney in the Los Angeles area, spoke on Cuba to a meeting of Women Strike for Peace at Whittier on June 21, 1963. The article indicates that Miss Buhai ran the slide projector while you lectured.

Is this report of your appearance there together with Miss Buhai correct?

(Witness conferred with counsel.)

Mrs. PESTANA. I will refuse to answer on the same grounds.

Mr. NITTLE. You are further reported in the *Daily News* as touring Cuba in May 1962 and stating that you were accompanied on your tour by a friend and an official Cuban interpreter.

Was the friend to whom you referred Rose Rosenberg?

Mrs. PESTANA. Once again I will refuse to answer on the same grounds.

Mr. NITTLE. By whom were arrangements made to supply you with a Cuban interpreter?

Mrs. PESTANA. This is the same question, and I will answer in the same manner.

Mr. NITTLE. By whom were arrangements made for your appearance at a meeting of Women Strike for Peace in Whittier on that date?

(Witness conferred with counsel.)

Mrs. PESTANA. I will refuse to answer that question on the same grounds.

¹ See Buhai Exhibit No. 1, p. 554.

Mr. NITTLE. Could you tell the committee whether, to your knowledge, Miss Harriett Buhai, an attorney in the Los Angeles area, is a member of the Communist Party?

Mrs. PESTANA. I will refuse to answer that question on the same grounds.

Mr. NITTLE. Would you tell the committee whether, to your knowledge, Rose Rosenberg is known to you to be a member of the Communist Party?

Mrs. PESTANA. The same answer.

Mr. NITTLE. Was the purpose of your visit to Cuba to enable you more effectively to serve here as a speaker in support of the Cuban Communist regime?

Mrs. PESTANA. Was the purpose—what was that again?

Mr. NITTLE. Was the purpose of your visit to Cuba to enable you more effectively to serve as a speaker in the United States in support of the Cuban Communist regime?

(Witness conferred with counsel.)

Mrs. PESTANA. I will refuse to answer that question on the same grounds.

Mr. NITTLE. Did you receive any compensation, directly or indirectly, from the Cuban Government for speaking on behalf of the Communist regime there?

Mrs. PESTANA. I earn my living practicing law.

Mr. NITTLE. I asked you whether you received any compensation—

Mrs. PESTANA. And my compensation—

Mr. NITTLE. —directly or indirectly from the Cuban Government for speaking on behalf of the Cuban regime?

(Witness conferred with counsel.)

Mrs. PESTANA. I don't receive compensation from the Cuban Government for any purpose. I don't receive compensation from them in any manner.

Mr. NITTLE. Have you ever received any compensation from them?

Mrs. PESTANA. I think we can eliminate a whole series of questions. My entire income is from my daily work as a practicing attorney in the State of California.

Mr. NITTLE. Now, Mrs. Pestana, from the accounts of your appearance at the Long Beach Unitarian Church, it appears that you admittedly were a guest of the Cuban Government during your visit there. Did you understand that in receiving these benefits it was expected of you to return to the United States and speak favorably on behalf of the present Cuban Government?

Mrs. PESTANA. I am going to refuse to answer your question on the grounds previously stated.

Mr. NITTLE. It is the information of this committee that you have not registered under the Foreign Agents Registration Act.

Mrs. PESTANA. That is correct. I am not a foreign agent.

Mr. NITTLE. Did you have—

Mrs. PESTANA. If you have any information of that kind, I would suggest that you make it available immediately to the Justice Department, a proper agency.

Mr. NITTLE. Did you engage in such activities as have been brought out in the interrogation, while under the discipline of the Communist

Party, with a view toward executing the policies and carrying out Communist Party objectives?

(Witness conferred with counsel.)

Mrs. PESTANA. I haven't testified that I engaged in any activities and I did not conduct my activities under the discipline of any Communist Party.

Mr. NITTLE. Are you a member of the Communist Party?

Mrs. PESTANA. I will refuse to answer that on the same grounds.

Mr. NITTLE. Mrs. Pestana, in my interrogation of Mrs. Rosenberg at Los Angeles, I recalled that this committee in 1952 received a great deal of testimony relating to Communist activities among professional groups in the Los Angeles area and brought to her attention the fact that on January 24, 1952, Mr. A. Marburg Yerkes, who was a practicing attorney in the Los Angeles area, had testified to his own membership in the Communist Party for a period commencing in 1946 and terminating in the winter of 1948-49. He testified that he was a member of a professional cell or group of the Communist Party, Los Angeles area, and he identified Rose Rosenberg as a member of that Communist Party unit.

He also testified that Jean Pestana, wife of Frank Pestana, was a member of the Communist lawyers group of which he was a member.

Was the testimony of Mr. Yerkes with respect to your Communist Party membership true?

Mrs. PESTANA. I will refuse to answer your question on the grounds previously stated.

Mr. NITTLE. Testimony was also received in the course of the 1952 hearings that the Communist cell or group of professional members, to which I have previously referred, was called the Engels Club and was formed in the Los Angeles area, composed of about 25 or 30 lawyers, which met periodically at the homes of the various members of that group.

You were identified as a member of the Communist Party Engels Club.

Were you correctly identified as a member of the Engels Club of the Communist Party in the Los Angeles area?

Mrs. PESTANA. That is the same question, and I will refuse to answer that on the same grounds.

Mr. NITTLE. Have you continued in your Communist Party membership since that time to the present?

Mrs. PESTANA. I will refuse to answer that question on the grounds previously stated.

Mr. NITTLE. There was further testimony to the effect, that information was communicated to the members of the professional cell that the National Lawyers Guild was to be made as much as possible the legal arm of the Communist Party, and they were advised to become active in its membership.

Were you counseled or advised by any Communist Party functionary to become a member of, and to remain active in, the National Lawyers Guild?

(Witness conferred with counsel.)

Mr. NITTLE. What was your answer to the question?

Mrs. PESTANA. The answer is "No."

Mr. NITTLE. Were you not elected a member of the National Executive Board of the National Lawyers Guild at its July 1960 convention?

Mrs. PESTANA. I will not here testify to any of my associations, so I will refuse to answer on all the grounds previously stated.

Mr. NITTLE. Including the fifth amendment privilege?

Mrs. PESTANA. On all the grounds previously stated, which was included among my grounds.

Mr. NITTLE. No further questions, Mr. Chairman.

Mr. TUCK. I have no questions.

The CHAIRMAN. The witness is excused.

Call your next witness.

Mr. NITTLE. Frank S. Pestana, come forward, please.

The CHAIRMAN. Please raise your right hand.

Mr. PESTANA. I will affirm.

The CHAIRMAN. Do you affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

Mr. PESTANA. I do.

**TESTIMONY OF FRANK SIMPLICIO PESTANA, ACCOMPANIED
BY COUNSEL, DAVID REIN—Resumed**

Mr. NITTLE. Would you state your full name and residence for the record, please?

Mr. PESTANA. Frank S. Pestana, and I have an office at 1741 North Ivar in the city of Los Angeles.

Mr. NITTLE. 1741 North Ivar? I was under the impression that is in Hollywood.

Mr. PESTANA. That is. Hollywood is part of Los Angeles.

Mr. NITTLE. I see. But the mailing address is Hollywood 28, California.

Mr. PESTANA. Or L.A. 28, California.

Mr. NITTLE. Would you state your residence, please?

Mr. PESTANA. I reside with my wife, Jean, at 7279 Mulholland Drive, in the same city.

Mr. NITTLE. Are you represented by counsel?

Mr. PESTANA. I am.

Mr. NITTLE. Would counsel please identify himself for the record, stating his name and office address?

Mr. REIN. David Rein, and my office address is in the record.

Mr. NITTLE. You are the husband, as you have stated, of Jean Estelle Kidwell Pestana? Is that right?

Mr. PESTANA. That is correct.

Mr. NITTLE. Would you state the date and place of your birth, please?

Mr. PESTANA. March 2, 1913, on the Island of Porto Santo, Madeira Islands, Portugal.

Mr. NITTLE. When did you arrive in the United States for permanent residence after your birth in Portugal?

Mr. PESTANA. I am reliably informed that that was about 1916.

Mr. NITTLE. And did you take up your residence in California, where you have remained since that time?

Mr. PESTANA. That is correct.

Mr. NITTLE. Are you now a citizen of the United States?

Mr. PESTANA. I am.

Mr. NITTLE. By what process, and when, did you acquire citizenship?

Mr. PESTANA. By choice, naturalization, 1937.

Mr. NITTLE. Were you naturalized at Oakland, California, in the Superior Court of Alameda County?

Mr. PESTANA. That is so.

Mr. NITTLE. Now, would you relate the extent of your formal education, giving the dates and places of your attendance at educational institutions and any degrees you may have received?

Mr. PESTANA. I graduated the various preliminary schools in the County of Alameda, and graduated from the University of California and the School of Jurisprudence there.

Mr. NITTLE. What is your present occupation?

Mr. PESTANA. I am an attorney.

Mr. NITTLE. And I believe you stated you maintained offices at 1741 North Ivar Street?

Mr. PESTANA. Ivar, yes.

Mr. NITTLE. How long have you practiced law?

Mr. PESTANA. Since 1940. With the exception of a period of service in the United States Army.

Mr. NITTLE. Have you at any time on or after January 16, 1961, traveled to Cuba?

Mr. PESTANA. I am going to refuse to answer that question, Mr. Chairman, for the following reasons:

I have had occasion, as has been previously mentioned here, to be before this committee previously and have represented other people here before the committee and have read extensively its reports, and I am of the opinion that this committee has no valid legislative purpose and that it is engaged in the process of denying to the citizens of the United States, attempting to deny to them, the right to dissent, to speak, to travel freely, so that they may inform themselves of the vital issues of the day. That in this endeavor, the committee subpoenas, and under compulsion of legal process, witnesses to attend here, subject themselves to a process of pillorying, of insinuation, accusation, having no valid legislative inquiry purpose.

This process is violative of the Constitution of the United States of America. It is violative of the first amendment of the Constitution, which again guarantees to every citizen the right to freedom of speech, freedom of press, freedom of association, of assembly, the right to petition the Government for redress of grievances. That implies that everybody in the United States, every citizen of the United States, has the right to inform himself on all of the issues of the day, be they repugnant to the powers that be, be they incompatible with the desires or the current thinking, to discuss with anyone any idea, to subject that idea to analysis, to hear any idea, and the reportage of any individual——

The CHAIRMAN. Well, we are always perfectly willing to listen to grounds, but arguments, lengthy arguments——

Mr. PESTANA. Mr. Chairman, I am here from Los Angeles under compulsion of subpoena process.

The CHAIRMAN. Right.

Mr. PESTANA. I listened to your statement, Mr. Chairman. I know that you will accord me the right to speak without interrupting me when I am stating grounds in a very serious proceeding, where chal-

lenges of basic constitutional rights of mine and of my fellow citizens are being made, and I will be brief, but I will state my grounds.

I believe, Mr. Chairman, that whether or not you wish it, your process here in this committee frightens people. It makes suspect peace activities. It makes suspect travel. It makes suspect advocacies of ideas unpopular to you and persons like yourself. This is un-American.

I believe, further, Mr. Chairman, that this committee is not properly constituted for reasons stated adequately by my wife, who preceded me on this stand.

I believe that two of its members, including yourself, are not proper representatives to the United States Government, in that your State and the State from which Congressman Tuck comes deny a substantial segment of the population of those States their right to vote on the basis of their color and that Article XIV, section 2, provides that the representation of these States shall be diminished in proportion to the extent of the discrimination against the people.

I further decline to answer this question on the ground that this committee does not afford the people who are subpoenaed before it due process of law and that it is an inquisitorial form, violative of the fifth amendment of the Constitution of the United States, and I assert the protections embodied in that amendment in support of my refusal to answer.

For those reasons and other reasons which I may decide to marshal in this proceeding, I decline to answer the question.

The CHAIRMAN. Well, your invocation of the last ground, anyway, is completely acceptable. You have that right.

Now I fear, though, that much of your quarrel is not with us but with the courts. You say we have no legislative purpose. It just happens that this committee is responsible for placing on the books 40 laws dealing with our internal security. Its actions have been approved time and again, both investigative and legislative, by the Supreme Court of the United States.

Serving on this committee and being its chairman is not the most pleasant job on earth but then, again, your quarrel is with Congress.

Mr. PESTANA. Now, Mr. Chairman.

The CHAIRMAN. Now, wait a minute.

Your quarrel is with Congress. We come up before Congress every year and make a report required by the statute creating us. Congress passes on it, and just this year the usual vociferous but so very small opposition to our committee came up first before the Rules Committee to have our jurisdiction vested in the Judiciary Committee. It was there rejected by 12 to 1. And then, on the floor of the House in an attack on our appropriation, which is usual, out of 435, I think there was a handful of votes in opposition.

This is the first time I have undertaken to dignify any of these tirades with a statement, but I thought maybe it should be in the record.

Mr. PESTANA. Mr. Chairman, I respect your opinion—

The CHAIRMAN. Well—

Mr. PESTANA. —but I don't consider what I said a tirade. It was certainly not intended to be that.

The CHAIRMAN. Proceed, Mr. Counsel. Ask the question.

Mr. PESTANA. Congress has passed the laws——

The CHAIRMAN. Ask your question, Mr. Nittle.

Mr. NITTLE. It is the committee's information, Mr. Pestana, that you traveled to Cuba in the spring of 1962, during the months of April and May. We would like to inquire whether you did in fact, then or at any time during that year, visit Cuba?

Mr. PESTANA. May I see that information that you have stating that I traveled in 1962 in Cuba?

Mr. NITTLE. I hand you a photostatic copy of a flier disseminated in the spring of 1963, marked for identification as "Frank Pestana Exhibit No. 1." That is identical to Jean Pestana Exhibit 3.¹

The flier announces that the College Center of the First Unitarian Church presents a special event, namely, "Be An Eye Witness in Cuba," and that Frank Pestana and Jean Kidwell, attorneys, will present "Cuba Today in Pictures," setting forth that both Frank Pestana and Jean Kidwell conducted an extensive tour in Cuba, outside of Havana in May 1962.

Will you tell us whether that information contained in the flier is correct?

(Witness conferred with counsel.)

Mr. PESTANA. Of course, Mr. Chairman, this flier is somewhat less than you, as an attorney, would want to have presented as evidence against you in even the slightest cause.

Mr. NITTLE. That was presented by church people, Mr. Pestana.

Mr. PESTANA. Well, church people also sin, Mr. Chairman.

The CHAIRMAN. The question is this: Is the information contained in that flier sheet, or whatever it is termed, correct or not?

(Witness conferred with counsel.)

Mr. PESTANA. I am going to refuse to answer that question, Mr. Chairman, on the grounds previously stated.

(Document marked "Frank Pestana No. 1" and retained in committee file.)

Mr. NITTLE. Did you present "Cuba Today in Pictures" at the time and place as advertised in the exhibit?

Mr. PESTANA. Mr. Chairman, the right of the people to hear and to see slides or to hear talks is a right protected by the Constitution of the United States. This committee is trying to infringe on that right. I am not going to help this committee to do that and, for that reason, I am going to decline to answer the question on the grounds previously stated.

Mr. NITTLE. Mr. Pestana, your claims of invasion of first amendment rights were disposed of in the Communist Party case by the Supreme Court on June 5, 1961. The Supreme Court, with the exception of Mr. Justice Black, was unanimous in its views with respect to the first amendment claims that were raised by the Communist Party.

In fact, Mr. Justice Douglas, who wrote a dissenting opinion in the case, even agreed. He said:

If lobbyists can be required to register, if political parties can be required to make disclosure of the sources of their funds, if the owners of newspapers and periodicals must disclose their affiliates, so may a group operating under the control of a foreign power.

¹ See p. 567.

Even Mr. Justice Black, at an earlier date in the Viereck case, 318 U.S. 236, which involved the Foreign Agents Registration Act, the very act which is the subject of inquiry here today, said:

Resting on the fundamental constitutional principle that our people, adequately informed, may be trusted to distinguish between the true and the false, the bill is intended to label information of foreign origin so that hearers and readers may not be deceived by the belief that the information comes from a disinterested source. Such legislation implements rather than detracts from the prized freedoms guaranteed by the First Amendment. No strained interpretation should frustrate its essential purpose.

Now, Mr. Pestana, in the interrogation of your wife, I called attention to the committee's information that she addressed a meeting at the Long Beach Unitarian Church on March 10, 1963. It is the information of the committee that you were also present on that occasion and that you, too, addressed the group.

During the course of your appearance, you stated that on one occasion, in 1961, you went to Cuba with 40 other couples.

Did you travel with 40 other couples to Cuba?

MR. PESTANA. Mr. Nittle, I lost you about 5 minutes ago. Would you repeat that question? I don't remember all of the multifaceted—

MR. NITTLE. You are thinking about Mr. Justice Douglas and Mr. Justice Black, I presume.

Now I will carry on again, and ask you whether you did not appear at Long Beach Unitarian Church on March 10, 1963, and address that group?

MR. PESTANA. Have you abandoned the previous 5 minutes of that question?

MR. NITTLE. I will come to that.

MR. PESTANA. Because if you want to take the time to engage in a discussion of constitutional law, I will be glad to do it.

THE CHAIRMAN. Proceed.

MR. NITTLE. What is your answer to the question, please?

MR. PESTANA. May I know what question you are asking?

MR. NITTLE. The question is, Did you address a meeting at the Long Beach Unitarian Church on March 10, 1963?

MR. PESTANA. The people of this country have a right to address meetings. I have a right as a personal citizen of this country to address any meeting I please that will hear me.

MR. NITTLE. The committee is going to inquire about certain activities.

THE CHAIRMAN. The question is, Did you address—

MR. PESTANA. I refuse to answer that question on the grounds previously stated.

THE CHAIRMAN. All right. Next question.

MR. NITTLE. Now, did you, during the course of your appearance there, state before that audience that on one occasion in 1961 you went to Cuba with 40 other couples?

MR. PESTANA. I am confused on the dates. You said 1962—

MR. NITTLE. The date is March 10, 1963.

MR. PESTANA. 1961—1963?

MR. NITTLE. No. The question is in relation to a meeting you attended on March 10, 1963. The question is whether you did not state to an audience there assembled on March 10, 1963, that you had on one

occasion in 1961 visited Cuba with 40 other couples? Did you make that statement at that time and place?

Mr. PESTANA. This, again, is another question invading the rights of the people, and of myself, to freedom of speech and travel. I decline to answer the question for the reasons previously given.

Mr. NITTLE. Were these 40 couples United States citizens?

(Witness conferred with counsel.)

Mr. PESTANA. Is there a question pending?

The CHAIRMAN. Yes. The question is, Were these 40 other couples United States citizens?

Mr. PESTANA. This again is a question invading the rights of the people and of myself to first amendment rights, and I am going to refuse to answer that question.

The CHAIRMAN. On the ground of the first amendment?

Mr. PESTANA. On the grounds previously stated. On all of the grounds previously stated.

Mr. NITTLE. During the course of your appearance at the Long Beach Unitarian Church, you were asked how Cubans adjusted to new facilities, and you are stated to have replied that you had been in China recently and had seen many Chinese who were moved into new quarters and taught new trades.

Had you been in China recently?

Mr. PESTANA. I am going to refuse to answer that question for the grounds previously stated.

Mr. NITTLE. Did you at any time possess a passport validated for travel to Red China?

Mr. PESTANA. And I will refuse to answer that question for the same reasons.

Mr. NITTLE. Mr. Pestana, the committee's investigation discloses that you last applied on April 20, 1959, for a renewal of a passport which had been issued to you July 11, 1956. You indicated in your renewal application that, for purposes of business and to visit relatives, you desired to travel to Portugal, Spain, and Italy for a period of about 3 weeks, setting forth your approximate date of departure as April 27, 1959.

Pursuant to this application, you received a renewal of passport No. 134222 on April 24, 1959.

Did you, as you said you intended to do, depart for Portugal, Spain, or Italy on or about April 27, 1959?

(At this point, Mr. Johansen left the hearing room.)

Mr. PESTANA. I will refuse to answer that—grounds: for the reasons previously given.

My travel, wherever it may have been to, was perfectly legal; and I am not going to discuss it with this commission—with this committee.

Mr. NITTLE. Did you not, however, travel to Stockholm, Sweden, to attend the Soviet-staged World Peace Council as an American delegate to its 10th anniversary session held May 8 to 13, 1959?

Mr. PESTANA. Peace, Mr. Nittle, is a subject very dear to my heart, and I know to the hearts of all people, all human beings.

Mr. NITTLE. They mean different things by "peace."

Mr. PESTANA. I just mean peace, not different things.

Mr. NITTLE. Now, we want you to answer the question whether you—

Mr. PESTANA. And I know that this committee is not favorable to peace activities and I am not going to aid this committee in its efforts to curb peace and peace activities, and I am going to refuse to answer that question for the reasons previously stated.

The CHAIRMAN. Did I understand you to say a moment ago that all your travels abroad were legal travels, in the sense that you possessed all of the necessary documents required by our law?

Mr. PESTANA. You didn't hear my answer. I said that all my travels were within the law. And I am not going to discuss it any further with you.

The CHAIRMAN. Well now, I wonder if the reporter could read that passage of his testimony?

(The reporter read the record as follows:)

Mr. PESTANA. I will refuse to answer that—grounds: for the reasons previously given.

My travel, wherever it may have been to, was perfectly legal; and I am not going to discuss it with this commission—with this committee.

The CHAIRMAN. Now, I want to offer you an opportunity to explain that. Were you referring to the travel suggested by the question, or were you talking about all your travel abroad, wherever it may have been?

Mr. PESTANA. I am going to refuse to answer that question on the grounds previously stated.

The CHAIRMAN. Well, is it your contention, then, that your travel to Cuba was legal and not in violation of law?

Mr. PESTANA. I will refuse to answer that question on the grounds previously stated.

The CHAIRMAN. Well, I am going to direct you to answer that question, because this is a very important thing. It strikes at the heart of what this is all about. So, therefore, I direct you to answer that question.

Mr. PESTANA. I have answered it.

The CHAIRMAN. Well, not under direction. I am now directing you.

Mr. PESTANA. Same answer.

The CHAIRMAN. And what is that answer?

Mr. PESTANA. I think the record will show it.

The CHAIRMAN. You have not answered.

Mr. PESTANA. Refusal to answer on all the grounds previously stated.

(At this point, Mr. Johansen entered the hearing room.)

The CHAIRMAN. Proceed, Mr. Nittle.

Mr. NITTLE. Were you not in attendance at the World Peace Council meeting in Stockholm, Sweden, in May 1959, with fellow delegates, Dr. Holland Roberts, an identified Communist and former director of the California Labor School, and the Reverend and Mrs. Stephen H. Fritchman, pastor of the First Unitarian Church at Los Angeles?

Mr. PESTANA. I refuse to answer that question for all of the reasons previously stated.

Mr. NITTLE. Mr. Chairman, we should recall that the first session of the World Peace Congress,¹ held in 1949, heralded the Communist invasion of South Korea.

¹ Parent organization of the World Peace Council, the latter being formed at the Second World Peace Congress November 1950.

Now, Mr. Pestana——

Mr. PESTANA. I don't know what that gratuitous statement was supposed to imply.

Mr. NITTLE. That was addressed to the chairman.

Mr. PESTANA. I wish that you would refrain from that in this proceeding, because you violate the law when you do that and you know it. Because you are attempting to smear myself and other witnesses called here with just that kind of inflammatory remark.

Mr. NITTLE. Let us see. Was not Mr. William DuBois, who recently admitted his Communist Party membership, also in attendance with you as an American delegate to the World Peace Council in May 1959?

Mr. PESTANA. Mr. DuBois is a citizen of the United States and one of the first citizens of this country, a man whom I respect highly, a historical figure, a man of worldwide renown.

Mr. NITTLE. Did you know him to be a member of the Communist Party in May 1959?

Mr. PESTANA. I refuse to answer that question on the grounds previously stated.

Mr. NITTLE. Moscow radio on May 10, 1959, broadcast a statement by this gentleman, William DuBois, whom you describe as world renowned, a statement which he is reported to have delivered at the World Peace Council, in which he was quoted as saying:

The one nation on earth whose dominant rulers evidently want war is the USA. They want war and prepare for war, because they believe that peace will interfere with their way of life. They therefore oppose all roads towards peace and frantically prepare for war on a scale which frightens the world. The WPC's [World Peace Council's] clear duty—as well as that of Americans who love their native land—is to make the fact clear that no matter how bad the evil is which they fear, war is not the answer. It is their duty to insist that communism is not a threat but a promise.

Mr. PESTANA. You take relish in his statement, Mr. Nittle.

Mr. NITTLE. Was your attendance at the World Peace Council for the purpose of carrying out the Communist propaganda line thus expressed in a statement attributed by Moscow radio to William DuBois?

(Witness conferred with counsel.)

Mr. PESTANA. I am not familiar with the statement, did not hear it, also I am having trouble with your question, because it is rather lengthy, compound, non-lawyerlike, insinulative——

The CHAIRMAN. Suppose you be lawyerlike and answer the question.

Mr. PESTANA. I am doing it now, if you will be lawyerlike and not interrupt me.

It is insinulative and it is violative of basic constitutional rights, calls for my opinion, and I am not going to give it to you or aid you in any way in this purpose.

Mr. NITTLE. Is that your answer?

Mr. PESTANA. It is.

Mr. NITTLE. Now I hand you a copy of the December 1959 newsletter of the First Unitarian Church of Los Angeles, marked for identification as "Frank Pestana Exhibit No. 1-A."

On page 2 appears the announcement of a "RECEPTION FOR FRANK PESTANA, ATTORNEY, given by the Rev. and Mrs. Stephen H. Fritchman on Sunday, December 20th * * * in the Severance Room."

The newsletter states that you were a fellow-delegate with the Fritchmans to the World Peace Council meeting in Stockholm May 8 to 13, 1959.

Were you in attendance at the reception given by the Fritchmans?

Mr. PESTANA. For all of the reasons previously stated, I refuse to answer that question.

Mr. NITTLE. The Reverend Stephen H. Fritchman appeared before this committee and was questioned with respect to his Communist Party membership, to which he pleaded the fifth amendment in his refusal to testify.

Do you have any knowledge with respect to the Reverend Stephen H. Fritchman's Communist Party membership?

Mr. PESTANA. No.

Mr. NITTLE. Mr. Chairman, I offer Frank Pestana Exhibit No. 1-A in evidence, please.

The CHAIRMAN. Let it be incorporated in the record.

(Document marked "Frank Pestana Exhibit No. 1-A" and retained in committee files.)

Mr. NITTLE. Now, it is also stated in the newsletter that you would speak and show your pictures taken in China.

Did you speak and show pictures taken in China?

Mr. PESTANA. For all of the reasons previously stated, I refuse to answer that question.

Mr. NITTLE. Did you visit China after your attendance at the May 1959 session of the World Peace Council at Stockholm?

Mr. PESTANA. I decline to answer that question for the reasons previously given.

Mr. NITTLE. Did you not, Mr. Pestana, falsely represent to the passport authorities in your application of April 20, 1959, that your purpose in traveling abroad was to visit relatives?

Mr. PESTANA. I refuse to answer that question for the grounds previously stated.

Mr. NITTLE. Was it not, in fact, your purpose to travel to the Communist-sponsored World Peace Council in Stockholm, Sweden, in May 1959, and thereafter to Red China?

Mr. PESTANA. If you have any evidence of illegal purpose, you present it to the appropriate authorities, and they will take care of it.

I will decline to answer that question for the reasons previously given.

Mr. NITTLE. Mr. Pestana, I hand you a photostatic copy of a leaflet announcement, marked for identification as "Frank Pestana Exhibit No. 2," in which it appears that the Santa Barbara Friends of KPFK will present an illustrated lecture for the benefit of KPFK at the Lobero Theatre on May 4, 1961, entitled "Six Weeks in Communist China" by Frank S. Pestana, Hollywood attorney.

Are you not the Frank S. Pestana, Hollywood attorney, who is identified in that exhibit?

Mr. PESTANA. I refuse to answer that question for the reasons previously stated.

Mr. NITTLE. Radio Station KPFK was recently the subject of inquiry by the Senate Subcommittee on Internal Security.

Would you be able to tell the committee by whom you were solicited to deliver the address on "Six Weeks in Communist China"?

Mr. PESTANA. I will refuse to answer that question for the reasons previously stated.

Mr. NITTLE. Mr. Chairman, I offer Exhibit No. 2 in evidence.

The CHAIRMAN. The exhibit will be received in evidence.

(Document marked "Frank Pestana Exhibit No. 2" and retained in committee files.)

Mr. NITTLE. The exhibit further states that you traveled 10,000 miles on the Chinese mainland as a guest of a Chinese classmate of yours at the University of California at Berkeley. Was that true?

Mr. PESTANA. Berkeley?

Mr. NITTLE. At Berkeley.

Mr. PESTANA. I refuse to answer that question on the grounds previously stated.

Mr. NITTLE. In your talks on Cuba and China, was it your purpose to influence the public within the United States with respect to the political or public interests and policies of the Communist regime in those countries?

Mr. PESTANA. Mr. Nittle, the public of the United States is as competent to judge information as you, and perhaps much better. They have a right to listen, to judge, and they do not need you or this committee to tell them what they shall hear or what they shall not hear.

Mr. NITTLE. That is what Mr. Justice Black said, as I quoted.

Mr. PESTANA. You desire to curb their listening, and I am not going to aid you. For that reason, I refuse to answer on the grounds previously stated.

The CHAIRMAN. You know full well what the question is about. We are talking about Federal law on the books. He was paraphrasing it.

Proceed.

Mr. NITTLE. Have you received, directly or indirectly, any compensation from the Cuban or Chinese Governments for speaking on these subjects?

Mr. PESTANA. I refuse to answer that question for the reasons previously stated.

Mr. NITTLE. I have already referred in the——

Mr. PESTANA. I might state that I earn my living as a lawyer and I have never earned a living in any other way except when I was going to school to learn, to earn my way through school.

Mr. NITTLE. I have also referred, in the interrogation of Mrs. Rose Rosenberg and in the interrogation of your wife today, to testimony received by the committee in its 1952 Los Angeles hearings, relating to Communist activities among professional groups in the Los Angeles area.

Three witnesses testified in those hearings that they knew you to be a member of the Communist Party, and of the lawyers cell of which they were members.

Were you then a member of the Communist Party?

Mr. PESTANA. I refuse to answer that question for the reasons previously stated.

Mr. NITTLE. Have you continued your membership in the Communist Party to the very present moment?

Mr. PESTANA. Same answer.

Mr. NITTLE. It is the committee's information that you are presently chairman of the Communist Party lawyers club of Los Angeles County. Has any error been made in your identification as such?

Mr. PESTANA. May I see that identification, Mr. Chairman?

Mr. NITTLE. Would that alter your response?

Mr. PESTANA. I would like to see it.

Mr. NITTLE. First, respond to the question.

Mr. PESTANA. Show me the evidence if you have it, and I will respond to the question. That is a common courtesy given any witness. If you have any such evidence, produce it.

Mr. NITTLE. Mr. Chairman, I direct to the witness——

The CHAIRMAN. What is the question?

Mr. NITTLE. I advised the witness that the committee was in possession of information that he was presently chairman of the Communist Party lawyer's club of Los Angeles County, and I have asked him whether any error has been made in his identification as such.

Mr. PESTANA. And I have asked, Mr. Chairman, that he produce this evidence that he is alluding to here, a common courtesy granted any witness.

Mr. NITTLE. I respectfully request——

The CHAIRMAN. Mr. Nittle.

Mr. NITTLE. Yes, sir.

The CHAIRMAN. Well, I assure you, sir, that the statement that counsel made is correct with reference to information that we possess.

Mr. PESTANA. If I agree, Mr. Chairman, to answer the question, would you show me the evidence?

The CHAIRMAN. Oh, you won't answer the question. You just want to learn the identity of the committee's informant. Then you would invoke the fifth amendment. I suggest that counsel ask another question.

Mr. PESTANA. Very revealing.

The CHAIRMAN. We might come back to this one after a while.

Sure, you say you will answer. You will answer by refusing to answer. We don't fall for that.

Mr. NITTLE. I have no further questions of this witness.

The CHAIRMAN. The witness is excused.

The committee will be in recess for 5 minutes.

(At this point, Mr. Tuck left the hearing room.)

(Short recess.)

The CHAIRMAN. The subcommittee will be reconvened.

Call your next witness.

Mr. NITTLE. Joseph North.

The CHAIRMAN. Please raise your right hand and be sworn.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. NORTH. I do.

TESTIMONY OF JOSEPH NORTH, ACCOMPANIED BY COUNSEL,
JOSEPH FORER

Mr. NITTLE. Would you state your full name and residence for the record, please?

Mr. NORTH. My name is Joseph North.

Mr. NITTLE. Would you state your residence, please?

Mr. NORTH. I refuse to answer on the following grounds:

First, I do not believe that the subject of this inquiry is within the authority of this committee;

Second, I do not believe the question is pertinent to the subject under inquiry;

Third, I think that this committee is violating the Constitution, the first amendment, which guarantees the freedom of press and freedom of speech; and

Fourth, I invoke my privilege under the fifth amendment not to be a witness against myself.

The CHAIRMAN. Well, the question is purely a preliminary one and in that very area of questioning it has been ruled to be proper, so I direct you to answer that question.

Mr. NORTH. I must abide by my refusal for the same reasons, Mr. Willis.

The CHAIRMAN. All right.

Mr. NITTLE. Are you represented by counsel?

Mr. NORTH. I am, sir.

Mr. NITTLE. Would counsel kindly identify himself for the record, stating his name and office address?

Mr. FORER. Joseph Forer, 711 14th Street, Northwest, Washington, D.C.

Mr. NITTLE. Mr. North, in a passport application of January 27, 1960, you then gave your address to the authorities as 281 East Broadway, New York City. Have you had any other residence since then?

Mr. NORTH. I must refuse to answer the question on the grounds previously stated.

Mr. NITTLE. For purposes of identification, we should like to inquire whether you have been known by or used any name other than Joseph North?

Mr. NORTH. Not since my professional career as writer and as a newspaperman. I am known as Joseph North, and I am known as Joseph North legally by the courts of the State of New York.

Mr. NITTLE. Since what date did you obtain the official—

Mr. NORTH. I don't recall. It must be 20, 25 years back.

Mr. NITTLE. Officially deciding to use a different name?

Mr. NORTH. And I use the different name in the same sense that Mark Twain used a different name, as a writer; and many Americans have done the same, many writers throughout the world have done the same.

The CHAIRMAN. I am sure that counsel is not suggesting there is any impropriety here.

Mr. NORTH. I am not so sure of that, Mr. Chairman.

The CHAIRMAN. Well, I am, because, you see, we are dealing with passports—names, and changes of names for whatever purpose, being quite acutely important in some cases.

Proceed.

Mr. NITTLE. Now you stated that 25 or 30 years ago you had your name legally changed in the courts of New York.

Mr. NORTH. I didn't say 25 or 30 years ago. If I recall, I said about 20 years ago, but I don't recall the exact time, but it was in that general area.

Mr. NITTLE. Would you state the date and place of your birth?

Mr. NORTH. Yes, it was May 25, 1904, in the Republic of the Ukraine.

Mr. NITTLE. Your passport application of January 27, 1960, filed with the Department of State, stated that your father was named Jesse Soifer, S-o-i-f-e-r, that your mother was named Bessie Soifer, and you gave their and your place of birth as Russia.

Were you named at birth Jacob Soifer?

Mr. NORTH. So far as I know, I was, yes; but are you trying to involve my dead father and my mother in these proceedings?

The CHAIRMAN. No, no.

Mr. NITTLE. No, we are trying to establish——

Mr. NORTH. You know why I am here. You brought me here.

Mr. NITTLE. We are trying to establish the answer to a question which you have literally refused to answer, and that was whether you have used or been known by any name other than Joseph North.

Mr. NORTH. I have not refused to answer.

Mr. NITTLE. Have you also been known by the name of Jacob Soifer?

Mr. NORTH. In my youth, I was; yes.

Mr. NITTLE. And in your professional career as a writer?

Mr. NORTH. I may have in the earlier part, yes.

Mr. NITTLE. Are you a citizen of the United States?

Mr. NORTH. Yes, I am.

Mr. NITTLE. Would you tell me by what means your naturalization was accomplished?

Mr. NORTH. By means of naturalization of my father. I was brought here when I was 9 years old, and my father's citizenship, I think, was in the year 1910.

The CHAIRMAN. By derivation?

Mr. NORTH. Yes.

Mr. NITTLE. During the Spanish Civil War, it is a fact, is it not, that you were a correspondent for the Communist *Daily Worker* and submitted articles for that publication under the name of Jacob Soifer?

Mr. NORTH. Yes.

I would like to know what the pertinence of that question is to the subject under discussion.

Mr. NITTLE. We are seeking to identify your name——

Mr. FORER. He already said he used Jacob Soifer.

Mr. NITTLE. —and the times during which you utilized that name.

Mr. NORTH. I have already indicated to you these facts.

Mr. NITTLE. Would you tell us when and under what circumstances you first assumed the name Joseph North?

Mr. NORTH. You are still proceeding on the basis of identification. Is that it?

Mr. NITTLE. Yes.

Mr. NORTH. Well, for the same reason that a man named Samuel Langhorne Clemens changed his name to Mark Twain.

Mr. NITTLE. I am not asking you for the reason, I am asking you when and under what circumstances you first assumed the name of Joseph North?

Mr. NORTH. Oh, I don't recall exactly. It must be 25, 30 years ago.

Mr. NITTLE. Have you been known by any name or names other than Joseph North and Jacob Soifer?

(Witness conferred with counsel.)

Mr. NORTH. Well, I must refuse to answer that for the reasons given before.

Mr. NITTLE. What is your present occupation?

Mr. NORTH. I must refuse to answer that for similar reasons.

Mr. NITTLE. Are you not employed as a correspondent for the official Communist publication, *The Worker*?

Mr. NORTH. Same answer.

Mr. NITTLE. What has been your principal employment during the past 35 years?

Mr. NORTH. Same answer.

Mr. NITTLE. Have you not during that period been principally employed as a writer for official Communist Party publications, such as the *Daily Worker*, *New Masses*, and *The Worker*?

Mr. NORTH. Same answer, but I just want to point out how this bears upon the question of the first amendment and the right of a man to write what he feels is the truth. This is what I think is what you are undermining in the type of questions you are asking, sir.

Mr. NITTLE. Well, the Supreme Court has already disposed of that claim of the Communist Party.

Mr. NORTH. Of any American.

Mr. NITTLE. Now, Mr. North, the committee's investigation disclosed that you have traveled extensively abroad over the years and that the last application which you made for a passport was that of January 27, 1960, at the New York office of the Department of State.

I hand you a photostatic copy of that application, marked for identification as "North Exhibit No. 1."

Is that not a true copy of the application filed under your signature on that date?

Mr. NORTH. I must refuse to answer that question for the same reasons.

Mr. NITTLE. Mr. Chairman, I offer North Exhibit 1 in evidence.

The CHAIRMAN. Let it be so marked and incorporated.

(Document marked "North Exhibit No. 1" and retained in committee files.)

Mr. NITTLE. In this application of January 27, 1960, you gave your occupation as that of a writer and journalist. You stated you planned to depart in March 1960 from New York to visit Britain, Italy, Czechoslovakia, Soviet Russia, and France, for a proposed stay of 3 months, giving the purpose of your trip as "journalism, material for a new book."

Based upon that application, a passport was issued to you on February 1, 1960, numbered 1871124.

I hand you a photostatic copy of the passport issued to you on that date, marked for identification "North Exhibit No. 2."

Is this not a true copy of the passport issued to you on February 1, 1960, and as recovered from you by the United States Immigration and Naturalization Service on January 31, 1963?

(At this point Mr. Pool left the hearing room.)

Mr. NORTH. I must refuse to answer that question for the grounds previously given.

Mr. NITTLE. Mr. Chairman, I offer Exhibit 2 in evidence.

The CHAIRMAN. Let the document be incorporated in the record.

(Document marked "North Exhibit No. 2" and retained in committee files.)

Mr. NITTLE. Mr. North, I now direct your attention to the visa permits stamped in your passport in the course of the travel for which you used it.

The earliest entry is a visa obtained by you from the Soviet Embassy in Washington, D.C., on April 18, 1960, and valid to May 20, 1960, for travel to Moscow. Other visa stamps indicate that you were in Moscow 38 days later, on May 26, but that you had visited France and Italy on the way.

You arrived in Cherbourg, France, on April 25, and in Rome 3 days later, on April 28. You apparently remained in Italy 18 days, leaving that country from Turin on May 16. You arrived at Le Bourget Airfield in France on May 24 and in Moscow on May 26, two days later. You remained in the Soviet Union until August 23, 1960, receiving permission while there to visit Leningrad, Kiev, Tashkent, Samarkand, and Odessa.

Arriving in Prague, Czechoslovakia, the same day you left the Soviet Union, August 23, 1960, you next spent a little over 2 weeks in Czechoslovakia, departing there and arriving in France on September 12, and then in the United States on September 15, 1960.

Now, to the best of your recollection, is that not an accurate time table of your travel abroad during the months of May to September 1960?

Mr. NORTH. I must refuse to answer that question on the previous grounds.

Mr. JOHANSEN. Mr. Chairman, I notice the witness responds in every instance that he "must" invoke the provisions of the fifth amendment. I assume the witness understands he is not under any compulsion from the committee, that he chooses or elects to invoke the fifth amendment. Is that right?

Mr. NORTH. The fifth amendment and the first amendment and the other clauses which I gave earlier, sir.

Mr. JOHANSEN. But the point is, sir, I am referring to your use of the word "must" in every instance. It is an exercise of your choice, is it not, that you invoke them?

Mr. NORTH. Yes.

The CHAIRMAN. Well, I have understood it in that context.

Mr. NITTLE. The visa issued you by the Soviet Embassy in Washington, D.C., on April 18, 1960, was good only until May 20, but you did not arrive in Moscow until May 26.

Did your arrival after your visa expired cause you any trouble?

Mr. NORTH. I refuse to answer that question for the grounds previously given.

Mr. NITTLE. Could the average American citizen arrive in Moscow without a valid entry visa without encountering difficulty?

Mr. NORTH. Are you asking my opinion?

Mr. NITTLE. No, your knowledge of the facts. You have been a frequent and prolonged visitor—

Mr. NORTH. You are an attorney of this committee. What do you think?

Mr. NITTLE. —in Communist countries.

The CHAIRMAN. We are questioning you on the basis of whatever knowledge you have, if any.

Mr. NORTH. I don't know. How could I answer that question?

The CHAIRMAN. All right.

Mr. NITTLE. You had no trouble, however: is that correct?

Mr. NORTH. I don't recall that, either. I don't recall every moment, any more than you recall every moment of your travels.

Mr. NITTLE. Now, Mr. North, on page 9 of your passport, Exhibit 2, which you have before you, there is a stamp of Cuban authorities, indicating that you arrived in Cuba on December 16, 1960. Did you arrive in Cuba on that date?

Mr. NORTH. In the first place, I haven't stated this was my passport.

Mr. NITTLE. Well, I am asking, Did you arrive in Cuba on December 16, 1960, irrespective of the fact that such is set forth in your passport?

Mr. NORTH. And secondly, the question you are just raising, I must refuse to answer that on the same grounds that I have previously stated.

Mr. NITTLE. How long did you remain in Cuba?

Mr. NORTH. The same answer.

Mr. NITTLE. Were you aware that a month later, on January 16, 1961, the State Department issued regulations barring travel to Cuba by American citizens without a specially validated passport?

Mr. NORTH. No, I don't understand the purpose of that question.

Mr. NITTLE. It goes to your knowledge—

Mr. NORTH. My knowledge?

Mr. NITTLE. —of the existence of a State Department regulation barring travel to Cuba on or after January 16, 1961.

Mr. FORER. Was he aware when?

Mr. NITTLE. Were you aware in the early part of 1961, January to be specific, that the State Department issued this regulation barring travel to Cuba unless the recipient was in possession of a specially validated passport for that travel?

Mr. NORTH. I refuse to answer that question on the previous grounds.

Mr. NITTLE. Mr. North, on July 31, 1961, the Czech Embassy in Cuba issued you a visa valid until July 31 for transit from Belgium to Prague. A notation written across this validation in Spanish, however, apparently by a Cuban authority, canceled this exit visa which had been stamped in the Czechoslovakian language.

Could you tell us the reason for the cancellation?

(Witness conferred with counsel.)

Mr. NORTH. I must refuse to answer the question on the previous grounds.

Mr. NITTLE. You did leave Cuba, however, on August 12, 1961; did you not? An exit visa on page 8 of your passport indicates you did.

Mr. NORTH. Same response.

Mr. NITTLE. When you left Cuba on August 12, 1961, did you return to the United States or did you go to Europe?

Mr. NORTH. Same response.

Mr. NITTLE. On what day did you next return to Cuba?

Mr. NORTH. I must refuse to answer that question on the same grounds as I previously stated.

Mr. NITTLE. An item in *The Worker* of Sunday, August 27, 1961, under your by-line at Havana, indicates that you were back in Cuba at least by August 27, 1961.

(Document handed to witness.)

Mr. NITTLE. Would you tell the committee——

Mr. NORTH. Is it the subject of this article which you object to, that the man who offered his eye to Henry Winston, the blind Communist—is that what you are giving me this for?

The CHAIRMAN. No. You know it is not. I say “No” and I suspect you know it is not. We are talking about your travels.

Mr. NORTH. I have written thousands of articles, and I am not claiming that I wrote this one, but I am curious as to why you have given me an article about a Negro who went blind and a man offered his eye to help him. Why do you give me this at this particular moment?

The CHAIRMAN. At this particular moment to test your travels, and whether you went back to Cuba some time previous to August—some time between January 16, 1961 and August 27, 1961.

The evidence shows—although you do not admit it—that you did go to Cuba and did come back, and now under a by-line or your by-line, this article points to the fact that you were again in Cuba.

Now, that is the reason for the question, and I suspect you know it, but I am trying to help you out, if that is what you want.

Mr. NORTH. You mean it has no relation to the question of Winston and the fact that a Cuban offered to give his eye to him?

The CHAIRMAN. I have never read the article, but I am following what the counsel is after.

Mr. NORTH. I see.

Mr. NITTLE. Where were you, during the period from August 12, 1961, when you left Cuba, until the time you returned——

The CHAIRMAN. I do not think he answered that question.

Mr. FORER. He never got it out.

The CHAIRMAN. Well, let's go back.

Mr. NORTH. Which question are you referring to, Mr. Willis?

The CHAIRMAN. This article which is before you indicates that you were in Cuba on August 27, 1961. Were you?

Mr. NORTH. I have stated——

The CHAIRMAN. All right, we will carve it up with four or five questions.

Mr. NORTH. I have stated—I refused to answer this on the previous grounds, and then I asked about this story here.

The CHAIRMAN. Did you go to Cuba between January 16, 1961, and August 27, 1961, with or without valid papers? Did you go? That is my next question.

Mr. NORTH. I must refuse to answer this question on the previous grounds.

The CHAIRMAN. Oh, no, you don't.

Let me ask you this question: Did you have valid travel papers, meaning a passport containing a permission on its very face authorizing you to go to Cuba between January 16, 1961, and August 27, 1961?

Mr. NORTH. I must refuse to answer.

The CHAIRMAN. No, you don't have to, but you have a right to invoke voluntarily the protection, and I assume that is what you are doing.

Mr. NORTH. On the same grounds, Mr. Willis.

The CHAIRMAN. Did you travel to Cuba at any time with or without validated travel papers between January 16, 1961, and today?

Mr. NORTH. I refuse to answer that question on the grounds previously stated.

I want to remind you again what I said about the first amendment, and it is difficult upon people who try to write the truth as they see it. If you don't agree with it, or people in high places in the Government don't agree with it—I want to remind you that I made that statement at the outset.

The CHAIRMAN. Yes, but you did not impress me too much, but that's not what these hearings are about. It has nothing to do with your writing of articles.

Mr. NORTH. I did not expect to impress you too much on the record of this committee.

The CHAIRMAN. These hearings have a dual purpose. We are dealing with law. We are dealing with legislation pending: one, having to do with present law banning travel to Cuba since the break of the diplomatic relationship with Cuba, and whether or not that law should be amended; and, two, the Foreign Agents Registration Act, as to whether that act is sufficient for the situation of today to encompass, include persons—and I am not referring to you—any person who might go to Cuba in violation of law, and then come back and carry on the mission of the regime in Cuba in a fashion which may presently be prohibited by the Foreign Agents Registration Act, or whether that act should be amended. That is what these hearings are about.

(Witness conferred with counsel.)

The CHAIRMAN. This is not a question. You are talking about the first amendment; I am accommodating you, trying to explain.

Mr. NORTH. I believe you agree there is a first amendment, Mr. Willis. It is important to the life of our country, is it not?

The CHAIRMAN. I don't know who questions that.

Mr. NORTH. I am dubious about that.

The CHAIRMAN. It is a question of how you apply it. You are on insubstantial ground on that. You are not really using that as your exclusive protection. You are using it as a propaganda reed to lean on. What you are really leaning on is the fifth amendment.

Proceed.

Mr. NORTH. Constitutional right, also.

Mr. NITTLE. Mr. North, the committee has prepared a summary of articles appearing in the official Communist publication, *The Worker*, under your name, datelined Havana, Cuba, during the years 1961 and 1962. This summary is marked as "North Exhibit No. 3," a copy of which I just handed you.

Would you examine that, please, and tell the committee whether that is not a correct account of articles appearing under your name in *The Worker* during those years?

Mr. NORTH. I refuse to answer that question on the previous grounds. I am curious as to what objection you have to my statement that I think you are violating the first amendment when you are producing here articles as a means to attack a writer, a newspaperman. Does that seem to you the proper thing?

(Document marked "North Exhibit No. 3" and retained in committee files.)

Mr. NITTLE. Now that isn't the purpose, Mr. North, and you know it isn't.

Mr. NORTH. I don't know.

The CHAIRMAN. Now proceed.

Mr. NITTLE. Did you in fact write these articles at Havana, Cuba?

Mr. NORTH. I refuse to answer that question on the grounds previously stated.

Mr. NITTLE. The exhibit indicates that in the year 1961—

Mr. NORTH. Will you say that I have—if I had written them from Cuba that I have a right to write them under the first amendment?

Mr. NITTLE. No, I said, Did you write them from Cuba?

The exhibit indicates that in the year 1961 you wrote 13 dispatches from Havana in the months of January, March, April, May, August, September, November, and December, and it indicates that during the year 1962 you wrote a total of 26 dispatches from Havana, covering every month excepting March and July.

Did you return to the United States via Mexico in March and July of 1962?

Mr. NORTH. I refuse to answer that question on the grounds previously stated.

Mr. NITTLE. All right. Now, at page 20 of your passport, it is noted that you entered—

Mr. NORTH. Pardon me. That previous question. Was that question asked in good faith? I am just curious from your point of view.

Mr. NITTLE. Do you mean to say by that, or to indicate, or to suggest, that you did not return to the United States—

Mr. NORTH. I don't understand it.

Mr. NITTLE. —in March and July of 1962?

Mr. NORTH. I told you that I refuse to answer that question on the grounds previously stated.

Mr. NITTLE. All right. Then let us pass to the next question.

At page 20 of your passport, it is noted that you entered Prague, Czechoslovakia, at the Ruzyn Airport on December 14, 1962, and that you departed from Prague on January 31, 1963.

Were you in Czechoslovakia from December 14, 1962, until January 31, 1963?

Mr. NORTH. I decline to answer that question on the grounds previously stated.

Mr. NITTLE. The final entry on your passport notes your admittance to the United States on January 31, 1963.

The question I should like to ask is whether it is not a fact that when you later returned to the United States from Czechoslovakia on January 31, 1963, representatives of the United States Immigration and Naturalization Service relieved you of your passport at the International Airport in New York City?

Mr. NORTH. I refuse to answer that question on the grounds previously stated.

Mr. NITTLE. Would you tell the committee why this was done?

Mr. FORER. He didn't say it was done.

Mr. NORTH. Why are you trying to entrap me?

Mr. NITTLE. Well, you know it was done, and do you know why it was done?

Mr. NORTH. You are saying that you are on the up-and-up on all these things, and that was a clear question endeavoring to trap a witness, wasn't it?

Mr. NITTLE. No.

Was not your passport——

Mr. NORTH. I gave you the answer. The answer was——

Mr. NITTLE. —taken by the Immigration Service?

Mr. NORTH. I refuse to answer on the grounds that I previously stated.

Mr. JOHANSEN. The answer was that you would not answer, Mr. Witness. The answer was that you declined to answer.

Mr. NORTH. I declined to answer on the previous grounds.

Mr. JOHANSEN. That is no answer.

Mr. NITTLE. Mr. Chairman, I state for the record that the passport of Mr. North was recovered by officers of the Immigration and Naturalization Service, as I have just outlined, pursuant to a request of May 4, 1962, from the acting director of the Passport Office at Washington, addressed to Mr. Farrell, Commissioner of Immigration and Naturalization.

The letter of request is marked as "North Exhibit No. 4," and sets forth, in part, that:

Information has been received that Mr. North has been traveling in and out of Cuba since January, 1961, without proper validation from this Department. If he should return to the United States, it will be appreciated if his passport be withdrawn and forwarded to the Passport Office, Department of State.

Mr. Chairman. I offer Exhibit 4 in evidence.

The CHAIRMAN. Let Exhibit 4 be made a part of the record.

(Document marked "North Exhibit No. 4" and retained in committee files.)

Mr. NITTLE. Now, Mr. North, you have heard the statement of record to the effect that information had been received by the Department of State that you were traveling in and out of Cuba since January 1961 without a proper validation of your passport for such travel.

Do you have any explanation or any correction to offer relative to the statement of the Department of State concerning your travel to Cuba?

Mr. NORTH. I decline to answer that question on the grounds previously stated.

Mr. NITTLE. Did you at any time after January 16, 1961, apply to the Department of State at Washington or to the Swiss Embassy in Cuba, which was handling United States interests, for a validation of your passport for travel to Cuba?

Mr. NORTH. I decline to answer for the same reason.

Mr. NITTLE. It is the committee's information that you have at no time received a validation of your United States passport for travel to Cuba after January 16, 1961, when this requirement became effective. Do you have any explanation you desire to offer or any correction to make?

Mr. NORTH. My answer is the same as the previous.

Mr. NITTLE. Now, Mr. North, as indicated earlier, your passport record for your European travels in May–September 1960 was in order. Apparently, at least it was stamped with appropriate entry and exit visas for your visits to various foreign countries in that period. There are, however, only two stamps indicating that you have been to Cuba, one for your entry there on December 16, 1960, and another indicating that you left that country on August 12, 1961.

As previous exhibits have indicated, however, you wrote dispatches from Havana subsequent to that period—in September, November, and December, 1961, and in every month of 1962 except March and July.

Could you tell the committee why Cuban Government officials, who want the recognition of the United States Government, did not stamp your passport to indicate your visits to Cuba—

Mr. NORTH. Why don't you ask the Cuban officials that?

Mr. NITTLE. —which followed your leaving that country on August 12, 1961?

Mr. NORTH. I think you would do better if you could establish relations with Cuba and ask them the questions. I can't answer that.

Mr. NITTLE. Do you have knowledge as to why the Cuban Government ceased stamping your passport after August 12, 1961?

Mr. FORER. He never said it was his passport. He didn't say it in the first place. And, you see—earlier—

Mr. NITTLE. You do have knowledge as to the reason why, do you not?

Mr. NORTH. Earlier, I said—I decline to answer that question on the reasons previously stated.

The CHAIRMAN. Proceed with the next question, Counsel.

Mr. NITTLE. All right.

Now, Mr. North, the committee does not wish to review in detail the events of the past, but it does feel that in summary form they are of relevance to the present inquiry. This is based on a principle of the law of evidence which admits evidence of past conduct, when of a nature similar to that under present inquiry—

Mr. FORER. Are we living up to the laws of evidence now?

Mr. NITTLE. —as being relevant to show knowledge, disposition, and purpose. Such inquiry, we believe, will assist Congress—

Mr. NORTH. Is this a trial? Am I on trial?

Mr. NITTLE. —in appraising your present activities in relation to the subjects under investigation.

Now, this is an explanation of pertinency, Mr. North, for the questions which will follow.

Did you know Jacob N. Golos, G-o-l-o-s?

Mr. NORTH. My God! You are bringing up questions which had no relevance 10 years ago, 15 years ago, and you are bringing them up today for what purpose? Only to smear, sir, only to smear.

Now if there were any relevance in that time, do you think that the thing would have gone if it had, in relation to myself and others?

Mr. NITTLE. I am sure its relevance will be apparent to everyone.

Mr. NORTH. It is a smear. I refuse to answer that question on the grounds stated. It is a smear, and you know it.

The CHAIRMAN. Proceed, Counsel.

Mr. NITTLE. We shall see, and you shall see.

Mr. FORER. We will all see.

Mr. NITTLE. Mr. North, testimony received by this committee indicates that Golos, for several years and until his death in 1943, was in charge of a Soviet espionage apparatus operating within the United States Government here in Washington. Golos was the manager of World Tourists, Incorporated, which had offices in New York City. On its face a travel agency, World Tourists was, in fact, a cover for Soviet espionage activities and was so characterized in the report of this committee issued in 1951 entitled *The Shameful Years: Thirty Years of Soviet Espionage in the United States*.

Moreover, World Tourists, Incorporated, was described by Louis Budenz, who was closely associated with you for a period as editor of the *Daily Worker*, as one of the chief means by which the Soviet dictatorship moved its spies and other agents into this country, and out again, and that it was a false passport factory of no small dimensions.

Now, Mr. North, with that background——

Mr. NORTH. What relation has this got to the——

Mr. NITTLE. —I will read this document into the record. It is a photostatic copy of a letter marked for identification as "North Exhibit No. 5," dated August 18, 1937, addressed to Mr. Jacob Soifer, and signed "J. N. Golos, Manager, World Tourists, Incorporated."

Mr. Jacob Soifer.

Dear Mr. Soifer:

Will you please take up with the Ministry of Propaganda or any other institution which is handling the tourists in Spain, the following:

1. Permanent organization of tours to Spain.
2. Secure authorization to organize a delegation to Spain sponsored by the Trade Unions, and organized by the North American Committee to Aid Spanish Democracy.
3. Try to secure from the Spanish Government a sole monopoly, if possible, to handle tourist trade to Spain, under Government control.
4. Inform the Spanish Government that the World Tourists will be willing to spend money per agreement on advertising and popularizing the tours to Spain, etc.

I hand you a copy of Exhibit 5.

Mr. NORTH. I don't recall receiving that letter, sir. What is it, 1937? You ask me if I remember anything about it?

Mr. FORER. He hasn't asked the question yet.

Mr. NITTLE. Is that not a true copy of a letter received by you under your real name, Jacob Soifer, from Jacob N. Golos, during the course of the Spanish Civil War?

(Witness conferred with counsel.)

Mr. NORTH. I don't remember if that is a letter, and I just want to point out that there is no signature on it.

Mr. NITTLE. I pointed out it was a photostatic copy.

Mr. NORTH. I don't remember any such letter.

Mr. NITTLE. Would you tell us whether, as requested, you took up for him with the Minister of Propaganda the matters referred to in the letter?

Mr. NORTH. I don't remember such letter, I don't remember the matter within the letter.

Mr. NITTLE. Did you take up any matter with the Minister of Propaganda in Spain during that year?

Mr. NORTH. I don't recall any such question and I—that is all.

Mr. NITTLE. Well, do you have knowledge of why Jacob Golos was so anxious to obtain a monopoly of "tourism" in Spain at the time?

(Witness conferred with counsel.)

Mr. NORTH. I have no knowledge of that. I don't even have any knowledge of the authenticity of this letter.

(Document marked "North Exhibit No. 5" and retained in committee files.)

Mr. NITTLE. You knew Jacob N. Golos?

Mr. NORTH. I refuse to answer that question on the ground previously stated.

Mr. NITTLE. Did you receive any other communication from him while you were in Spain?

Mr. NORTH. I don't recall any communication.

Mr. NITTLE. I will try to refresh your memory. I call to your attention another exhibit marked for identification as "North Exhibit No. 6."

This is a Western Union cablegram, received in that company's central office in New York at 11:25 p.m. on March 9, 1938, and addressed to World Tours, the Golos agency previously mentioned, at 175 Fifth Avenue, New York City. The text of the cable reads as follows:

"Cable Soifer Amexco, details twenty seventh stop Reach me through Soifer stop Ask Willie whether Henry left stop Love to Helen.

Jay.

Mr. NORTH. I don't—

Mr. NITTLE. I have handed to you that exhibit and ask you to examine it.

And, Mr. Chairman, I offer Exhibit 6 in evidence.

Mr. NORTH. What is your question?

Mr. NITTLE. Were you not the Soifer referred to in that cable?

Mr. NORTH. I don't know. That is a rather common name.

Mr. NITTLE. And who could be reached and who was to be reached by cable care of "Amexco"—American Export Lines?

Mr. NORTH. I don't know. You asked me to say. I don't know what purpose that is. There are many Soifers in the phone book.

Mr. NITTLE. Are you stating under oath that you are not the Soifer to whom reference is made in Exhibit 6?

Mr. NORTH. I don't recall anything about that. That is what, 1938? I don't recall.

Mr. NITTLE. You do not deny you are the Soifer in that cable? You state you have no recollection of it.

Mr. NORTH. I have no recollection of it.

Mr. NITTLE. Who was "Jay"?

Mr. NORTH. I have no recollection, sir; how can I tell you who was "Jay"? I am not clairvoyant, sir.

Mr. NITTLE. Do you know the "Willie" and "Henry" referred to in the cable?

Mr. NORTH. I don't know anything about that cable, so how do I know these people?

Mr. NITTLE. Irrespective of whether the names are contained in this cable, did you at that time know a Willie and Henry?

Mr. NORTH. Now, wait a minute. How many Willies do you know?

Mr. FORER. Wait a minute. He can't answer a question.

The CHAIRMAN. Now, wait a minute.

Mr. NITTLE. I am suggesting that these names must have had some significance to you.

The CHAIRMAN. He can answer it very simply, if he says he does not know or recall.

Proceed with your next question.

Mr. FORER. He said that, Mr. Chairman.

Mr. NORTH. All right, Mr. Willis. I don't know. I don't recall.

Mr. NITTLE. Can you shed any light upon the meaning of the handwritten notation at the bottom of this cable:

Found J. K. twenty eighth failed recover anything evidently other hands later he disappeared have traces but unable locate.

Mr. NORTH. I haven't got the faintest idea of what that's talking about.

(Document marked "North Exhibit No. 6" and retained in committee files.)

Mr. NITTLE. Mr. North, you do recollect being in Spain in March 1938——

Mr. NORTH. I refuse to answer that question.

Mr. NITTLE. —ostensibly as correspondent for the *Daily Worker*?

Mr. NORTH. I refuse to answer that question on the grounds previously stated.

Mr. NITTLE. Do you recollect that?

Mr. NORTH. I told you earlier.

Mr. NITTLE. Mr. North, the recommended decision of the Subversive Activities Control Board in the case of the Veterans of the Abraham Lincoln Brigade——

Mr. NORTH. What decision?

Mr. NITTLE. The Subversive Activities Control Board——

Mr. NORTH. You said—there was an adjective before this.

Mr. NITTLE. "Recommended."

Mr. NORTH. I thought you said "regimented." I wasn't quite sure what you meant.

Mr. NITTLE. —in the case of the Veterans of the Abraham Lincoln Brigade, stated that you, during the civil war, were the *Daily Worker* representative in Spain who, and I now quote, "acted as

a courier between the CPUSA [Communist Party of the United States] and the International Brigades Headquarters as well as liaison between the various Brigades.”

In your travels to Cuba, Mr. North, have you been playing the same role, acting as a courier between the United States Communist Party and the government of Fidel Castro?

Mr. NORTH. In my lifetime, my professional career, I have been a newspaperman and I have been a writer of a number of books. I have tried to tell the truth as I saw it and I am very happy that some many thousands of people have read what I have written, because always truth was my guide.

Mr. NITTLE. Now will you answer the question?

Mr. NORTH. You are trying to make it difficult for anybody who writes what you don't agree with by bringing up all kinds of charges, 25 years ago, 30 years ago, 20 years ago, against an individual—you know very well, as well as I do, that if these charges were valid back then there would have been action.

You are not the only authority here. The Un-American Committee is not the only—there was the FBI. There was the Department of Justice. There were all sorts of laws, and so on.

Now you are only trying to prevent me and people like me from writing things that you don't agree with. Now, that is the basis of it.

The CHAIRMAN. Those are your feelings.

Now, will you answer the question?

Mr. FORER. What is the question?

Mr. NITTLE. Are you a courier between the Communist Party and the government of Fidel Castro?

Mr. NORTH. Now, because—because——

Mr. NITTLE. Will you answer that question?

The CHAIRMAN. I direct you to answer the question.

Mr. NORTH. I will refuse to answer that question on the same grounds.

The CHAIRMAN. All right. Ask the next question.

Mr. NORTH. Whatever the definition is that you want to apply to things, I don't know.

Mr. NITTLE. At any time in December 1960, or the years 1961 and 1962, have you personally delivered, from anyone from the United States known to you to be a Communist, a communication, message, or other thing to persons in Cuba associated with the Castro government?

Mr. NORTH. I must decline. I decline to answer that question on the grounds previously stated.

Mr. NITTLE. Have you, during that same time, on any occasion personally delivered to anyone in the United States known to you to be a Communist, any communication, written or oral message, or any other thing which you brought with you from Cuba and which you received there from any person known to you as a Communist?

Mr. NORTH. I refuse to answer that question on the grounds previously stated, but when I entered their country through the front door at a certain time, what I brought in was known by the people there.

Mr. NITTLE. Mr. North, you have been repeatedly identified as a member of the Communist Party in the testimony of several wit-

nesses appearing before this committee. However, we shall give you an opportunity specifically to affirm or deny your membership in the Communist Party.

Mr. NORTH. I think that is very gracious of you. I think that is a tremendous boon that you offer me, under this Constitution of our country, where you are allowed to have whatever ideas appear to you to be truthful and you are allowed the right of association, you give a person the right to answer that question under the Smith Act, the McCarran Act and——

Mr. FORER. He didn't ask you any question yet.

The CHAIRMAN. Yes, he did.

Mr. FORER. He didn't. He said he would "give you an opportunity."

He said he would not answer that for the reasons stated.

The CHAIRMAN. Are you now, or have you ever been, a member of the Communist Party?

Mr. NORTH. I decline to answer that question on the grounds previously stated.

The CHAIRMAN. Are you satisfied, Mr. Forer?

Mr. FORER. Satisfied with what? You mean with Mr. Nittle's questioning? No.

Mr. NITTLE. Mr. Chairman, the staff interrogation is completed.

The CHAIRMAN. The witness is excused.

Mr. Nittle?

Mr. NITTLE. Yes, sir.

(Discussion off the record.)

The CHAIRMAN. This will conclude this present hearing, but there will be more hearings in the area we have covered today, as we go along.

The Chair wishes to direct the counsel and direct this committee to refer the record of this morning's hearings to the Department of Justice for consideration of possible prosecution of the three witnesses under the law relating to unlawful travel to Cuba, without validated passports. And the record, of course, will be studied in connection with all phases of the hearing.

The committee will stand adjourned.

(Whereupon, at 12:40 p.m., August 5, 1963, the subcommittee adjourned, subject to the call of the Chair.)

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